

76-100

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

AUG 1 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

AUG 1 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: July 28, 1977

By: *Marion J. Reed*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

AUG 1 - 1977

At 8:50 o'clock a.m.

MARCH FONG EU, Secretary of State

By *Meizie R. Hershberg*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on October 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 41-403.1

ADOPT: Section 41-403.2
41-403.3

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

41-403 DEFINITION OF A PARENT
AFDC

.1 Definition - Parent

"Parent" means either the father or the mother, natural or adoptive, whether married or unmarried. Deprivation is based on the person presumed to be the legal parent unless rebutted by a statement of the mother or a court order. Deprivation of an adopted child is based on the status of adoptive parents and not on that of the natural parents.

.2 Preliminary Determination of the Person Presumed to be the Legal Parent.

Determination of the identity of a child's legal father is guided by California Law contained in Evidence Code Section 621 and Civil Code Section 7004. There may be circumstances where the man who claims to be the father is, in fact, not considered the legal father. There may also be circumstances where the mother claims that a man is not the father but he is, in fact, to be considered the legal father. In cases where there is a question as to parentage concerning either parent, the matter should be referred to the District Attorney for resolution. In any case where the child is conceived out of wedlock, and there is no prior determination of paternity, the matter shall be referred to the District Attorney (see Section 43-201.1).

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(Pursuant to Government Code Section 11380.1)

41-403 DEFINITION OF A PARENT (Continued)

41-403

.21 A court decree establishes paternity.

.22 Where there is no court decree establishing paternity, a man is presumed to be the natural father of the child if he was married to and residing with the natural mother of the child during the time period that the child was conceived. This presumption is only rebuttable by a showing that the man was incapable of fathering children (i.e., he was impotent or sterile) during the time period in which the child was conceived.

.23 Where .21 and .22 above do not apply, the law presumes that a man who was married to the mother is the father where the child was born during the marriage or within 300 days of the termination of the marriage by a court-ordered dissolution, annulment, or final divorce. This presumption is rebuttable by clear and convincing evidence.

.24 The law also presumes that a man is the father where after the child's birth he marries the mother, and:

.241 He consents to being named the father on the birth certificate;
or

.242 He is obligated to support the child either under a court order or a written voluntary promise.

This presumption is rebuttable by clear and convincing evidence.

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41-403 DEFINITION OF A PARENT (Continued)

41-403

.25 Another presumption of paternity arises if a man receives the child into his home and openly holds out the child as his natural child. This presumption is also rebuttable by clear and convincing evidence.

.3 Presence of a Stepparent or UAM in the Home

Deprivation is not affected by the presence in the home of a stepparent or an unrelated adult male.


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(Pursuant to Government Code Section 11380.1)

There are no increases to State or County costs mandated by this regulation change.

Approved:


MARION J. WOODS, Director
Department of Benefit Payments

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AUG 11 1977

Office of Administrative Hearings

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AUG 11 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: August 9, 1977

By:

Marion J. [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
 of the State of California

AUG 11 1977

At 1:55 o'clock P.M.

MARION FONG EU, Secretary of State

By *[Signature]*
 Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on November 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Sections: 40-131.3(n)
 40-131.3(o)
 40-181.21
 44-103.122
 44-103.22
 47-703.122
 47-703.22

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(Pursuant to Government Code Section 11380.1)

40-131 INTERVIEW REQUIREMENT

40-131

.3 Content of Application Interview (Continued)

AFDC	n.	<u>The applicant's responsibility to apply for and take all appropriate</u>
AFSB		<u>steps to obtain specific benefits for which he/she appears to be</u>
		<u>potentially eligible.</u>

APSB o. The role of the county and the role of the SDBP in the determination of blindness.

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40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY

40-181

AFDC

APSB

.2 Periodic Determination of Eligibility

.21 A determination of all circumstances of the recipient subject to change shall be made at least once every twelve (12) months for APSB, AFDC-FG and AFDC-U cases. In this regard the applicant/recipient is required to complete the appropriate Statement of Facts at time of application and at least once every 12 months after determination of eligibility. At the time of annual redetermination and completion of the appropriate Statement of Facts, each recipient will either be given or mailed such information material as may be required by DBP.

AFDC

A redetermination must be completed at least every six months for each AFDC-BHI case.

Brochures describing benefits available under the Child Health Disability Prevention (CHDP) program and how and where the benefits are provided within the county shall be given to the recipient during the redetermination interview (see Section 40-181.311, Methods of Periodic Determination of Eligibility). Provision of CHDP informational material shall be documented by notation upon the CA 2 form.

AFDC

APSB

.211 The determination shall be considered completed as soon as the appropriate Statement of Facts has been reviewed and a decision made and recorded by the Eligibility Worker as to whether eligibility continues or ineligibility exists. The next due date for completion of the Statement of Facts will be fixed in relation to this decision. In no event shall the decision on the completed Statement of Facts be delayed solely for the purpose of avoiding a change in the periodic due date of determination of eligibility.

.212 If a recipient's circumstances change in such a way that it is necessary to review certain aspects of eligibility before the next Statement of Facts is due, the county shall decide whether a new Statement of Facts shall be completed. If the county decides it is necessary that the Statement of Facts be completed before the scheduled redetermination date, the next due date shall be adjusted accordingly.

.213 If the recipient is receiving or is potentially eligible to receive unconditionally available income, such as Old Age, Survivors, and Disability Insurance (OASDI) or benefits available to veterans of military service, it is only necessary to initiate a verification or referral procedure if circumstances indicate a change in the recipient's eligibility for the benefit.

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(Pursuant to Government Code Section 11380.1)

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION

44-103

AFDC

.1 County Responsibility (Continued)

.12 Resources with income producing potentials include: (Continued)

.122 Benefits available to veterans of military service, servicemen, their spouses,
and their dependents.

DO NOT WRITE IN THIS SPACE

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME
VERIFICATION (Continued)

44-103

AFDC

.2 Applicant and Recipient Responsibility (Continued)

.22 Income shall be considered unconditionally available if the applicant or recipient has only to claim or
such as but not limited to
accept the income, /, relative's offer of a contribution, benefits available to veterans
of military service, or OASDI.

CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

47-703 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION (Continued) 47-703

APSB

.1 County Responsibility (Continued)

.12 Resources with income producing potentials include: (Continued)

.122 Benefits available to veterans of military service, servicemen, their spouses,
and their dependents.

DO NOT WRITE IN THIS SPACE

47-703 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION (Continued) 47-703

APSB

.2 Applicant and Recipient Responsibility (Continued)

.22 Income shall be considered unconditionally available if the applicant or recipient has only to claim or
such as but not limited to
accept the income, / relative's offer of a contribution, benefits available to veterans of
military service, or OASDI.

CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

This regulation change will not result in any Administrative,
Program or Support costs.

Approved:



MARION J. WOODS, DIRECTOR
Department of Benefit Payments

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11-7

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

SEP 7 1977

Office of Administrative Hearings

ENDORSEDAPPROVED FOR FILING
(Gov. Code 11380.2)

SEP 7 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: August 30, 1977

By: Marian J. RuskDirector

(Title)

FILEDIn the office of the Secretary of State
of the State of California

SEP 7 - 1977

At 10:22 o'clock 9 M.

MARCH FONG EU, Secretary of State

By: Marpie R. Herschberger
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on October 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Adopt Section: 43-205

This regulation implements the requirements of 45 CFR § 302.51(b)(3) and (5), 45 CFR § 302.51(d), and Government Code § 29802.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

43-205 TREATMENT OF UNDELIVERABLE AND UNCASHED WARRANTS

43-205

.1 When a payment made to the family under Sections 43-203.13 and .15 is undeliverable because the recipient cannot be located, the county shall return the amount due to the family to the payer.

.2 When a warrant which is sent to the family pursuant to Sections 43-203.13 and .15 is uncashed, the county shall take the following actions:

.21 Declare the check void six months after issuance, and

.22 Hold the funds in stewardship for two years after the warrant is declared void. The Government Code Section 29802 gives the payee this period of time to seek payment from the / issuing agency. At the end of the two-year period, if no payment has been claimed, the funds revert to the county general fund.


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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

This regulation will result in no cost to any unit of local government.

Approved:


MARION J. WOODS, DIRECTOR
Department of Benefit Payments

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(Pursuant to Government Code Section 11380.1)

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SEP 22 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: September 14, 1977

By:

Marvin J. Wood

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

SEP 23 1977

At 10:30 o'clock A.M.

MARCH FONG EU, Secretary of State

By *Doreen E. Deegan*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on December 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 42-213.2k

44-111.432

44-111.433

44-111.434

44-111.435

44-111.436

44-111.437

44-113.241(b)

47-711.332

47-711.333

47-711.334

47-711.335

47-711.336

47-711.337

47-713.241(b)

Section 44-111.433 is amended to implement Section 11008.10 of the Welfare and Institutions Code. All other sections are adopted or amended to clarify Section 11450 of the Welfare and Institutions Code.

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(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY
BE RETAINED (Continued)
.2 (Continued)

42-213

- k. Any reasonable accumulations resulting from any exempt earned income of a child which is being saved for future education or training or for other future identifiable needs.

In addition, reasonable accumulations of unearned income in educational trust funds which had been established pursuant to the regulations which were in force prior to September 1, 1969 are also excluded.

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(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

.43 Loans and Grants

The following loans and grants are not considered as income:
(See Section 42-213.213 for treatment as property.)

.431 Loans made under Title III of the Federal Economic Opportunity Act (Special Program to Combat Poverty in Rural Areas).

.432 Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Federal Commissioner of Education.

The following are examples of programs that come within this class:

- a. Supplemental Educational Opportunity Grant Program (SEOG)
- b. National Direct Student Loan Program (NDSL)
- c. College Work Study Program (CWS)
- d. Basic Educational Opportunity Grant Program (BEOG)
- e. Federal Insured Student Loan Program (FISL)

.433 Educational loans or grants to undergraduate students are exempt from consideration as income when they are awarded on the basis of the student's need.

The following are examples of programs that come within this class:

- a. Extended Opportunity Programs (EOPS)
- b. Bureau of Indian Affairs (BIA) grants and loans
- c. California State Scholarship Program (Cal Grant A)
- d. College Opportunity Grant Program (Cal Grant B)
- e. Occupational, Educational and Training Grant Program (Cal Grant C)

.434 Educational loans and grants other than those excluded in .432 and .433 above

are exempt from consideration as income only to the extent that the proceeds are used to meet educational expenses, such as fees, equipment, special clothing needs, transportation to and from school, child care services necessary for school attendance, etc.

The following are examples of programs that come within this class:

- a. Veterans Educational Assistance Program (G.I. Bill)
- b. OASDI benefits that are conditioned on regular school attendance.

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44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

.435 In the instance where a recipient receives more than one educational loan or grant, the recipient's educational expenses will first be applied to the totally exempt loans or grants such as those administered by the Federal Commissioner of Education (see Section .432 above).

Any remaining educational expenses will then be applied to those loans or grants that do not contain conditions precluding their use for current living costs.

.436 County welfare departments must secure a certification from an official at the student's school (preferably from the Financial Aid Office) concerning the student's eligibility for income exemption if the loan or grant is wholly exempt under .433 above.

The certification, under .433, must state that the award is based on need and that the Public Assistance grant was considered in making the award.

In the case of loans or grants that are wholly or partially exempt under .434, the student must appropriately document his/her educational expenses for the county welfare department in order to receive the exemption from consideration as income.

.437 Any other loan or grant to the extent that the proceeds are not available to meet current needs.

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(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

.241(b) Continued

AFDC (b) Child Care - The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his/her working hours by nonworking persons in his/her household. However, the amount allowed shall not exceed the cost of securing such child care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient. It should be noted, in accordance with Section 30-156, child care expenses related to training are paid from administrative funds and not deducted from income.

There are instances where reasonable and necessary child care costs will be allowed even though the care could be provided by a non-working person in the household or when such person would be available to care for the child(ren). Costs will be allowed in the following instances:

- (1) The person in the household was a "working" person who terminated his/her employment for the specific purpose of caring for the child(ren).

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(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

.241(b) Continued

- (2) The county determines that the AFDC-U father's job search plan precludes him from caring for the child(ren) during all or part of the working hours of the working person.
- (3) The county determines that the incapacitated parent remaining in the home cannot provide adequate care for the child(ren).

The county is required to verify the amount of the expenditure and that the care was actually provided. As part of the verification process, the recipient is required to write on the CA 7 the amount of the expenditure and to provide a signed receipt. If the county determines that a signed receipt is not available, other acceptable evidence may be used. Such evidence may include but is not limited to: statements received by the county welfare departments by phone from the care provider, canceled checks, statements from neighbors or other persons with a reasonable knowledge that services were provided (i.e., they take their child to the same facility), or an affidavit from the recipient, separate from the CA 7, which includes an explanation as to why a receipt from the provider was not available.

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(Pursuant to Government Code Section 11380.1)

47-711 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

47-711

APSB

.332 Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Federal Commissioner of Education.

The following are examples of programs that come within this class:

- a. Supplemental Educational Opportunity Grant Program (SEOG)
- b. National Direct Student Loan Program (NDSL)
- c. College Work Study Program (CWS)
- d. Basic Educational Opportunity Grant Program (BEOG)
- e. Federal Insured Student Loan Program (FISL)

APSB

to undergraduate students
.333 Educational loans or grants are exempt from consideration as income when they are awarded on the basis of the student's need.

The following are examples of programs that come within this class:

- a. Extended Opportunity Programs (EOPS)
- b. Bureau of Indian Affairs (BIA) grants and loans
- c. California State Scholarship Program (Cal Grant A)
- d. College Opportunity Grant Program (Cal Grant B)
- e. Occupational, Educational and Training Grant Program (Cal Grant C)

.334 Educational loans and grants other than those excluded in .332 and .333 above are exempt from consideration as income to the extent that the proceeds are used to meet educational expenses, such as fees, equipment, special clothing needs, transportation to and from school, child care services necessary for school attendance, etc.

The following are examples of programs that come within this class:

- a. Veterans Educational Assistance Program (G.I. Bill)
- b. OASDI benefits that are conditioned on regular school attendance.

.335 In the instance where a recipient receives more than one educational loan or grant, the recipient's educational expenses will first be applied to the totally exempt loans or grants such as those administered by the Federal Commissioner of Education (see Section .332 above).

Any remaining educational expenses will then be applied to those loans or grants that do not contain conditions precluding their use for current living costs.

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(Pursuant to Government Code Section 11380.1)

47-711

PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

47-711

APSB

336. County welfare departments must secure a certification from an official at the student's school (preferably from the Financial Aid Office) concerning the student's eligibility for income exemption if the loan or grant is wholly exempt under .333 above.

The certification, under .333, must state that the award is based on need and that the Public Assistance grant was considered in making the award.

In the case of loans or grants that are wholly or partially exempt under .334, the student must appropriately document his/her educational expenses for the county welfare department in order to receive the exemption from consideration as income.

337. Any other loan or grant to the extent that the proceeds are not available to meet current needs.

Interpretation — The Welfare and Institutions Code establishes a Revolving Loan Fund in the state treasury to be administered by the Department of Health. The Fund is for the purpose of making loans to recipients of SSI on basis of blindness or recipients of APSB to enable them to become established in a business, profession or other gainful employment or assist those already engaged in employment endeavors to decrease their financial dependency. In considering requests for loans, preference will be given in those instances where lending agencies or other resources are not available or practical, or the amount is insufficient to meet the need of the recipient's plan or project.

It is the obligation of the applicant for a loan to provide the county with all pertinent information concerning his/her plan for self-support, current obligations, resources available to him/her, and efforts to promote the plan. The county is responsible for taking the application and for making a careful evaluation of the factors relating to the plan for self-support and personal characteristics of the applicant, thus providing the basis upon which the Loan Fund Committee can make its recommendations to the DOH.

The criteria used in evaluating the request for a loan are the feasibility of the plan for self-support, the degree of effort and interest shown by the applicant in pursuing his/her goal toward self-support, the availability of other resources, the soundness of the applicant's plan for repayment and his/her sense of responsibility in meeting his/her obligations.

Form BL 240, Application for a Loan, is to be completed by the applicant in triplicate and submitted to the county welfare department of his/her county of residence. After completing Item 11, Evaluation by the County, two copies of Form BL 240 are to be forwarded to the DOH, Special Services for the Blind for review by the Loan Fund Committee and decision by the DOH.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-713 NET INCOME (Continued)

47-713

.241(b) Continued

APSB (b) Child Care - The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his/her working hours by nonworking persons in his/her household. However, the amount allowed shall not exceed the cost of securing such child care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient. It should be noted, in accordance with Section 30-156, child care expenses related to training are paid from administrative funds and not deducted from income.

There are instances where reasonable and necessary child care costs will be allowed even though the care could be provided by a non-working person in the household or when such person would be available to care for the child(ren). Costs will be allowed when the person in the household was a "working" person who terminated his/her employment for the specific purpose of caring for the child(ren).

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(Pursuant to Government Code Section 11380.1)

47-713 NET INCOME (Continued)

47-713

.241(b) Continued

The county is required to verify the amount of the expenditure and that the care was actually provided. As part of the verification process, the recipient is required to provide a signed receipt as to the amount of the expenditure.

If the county determines that a signed receipt is not available, other acceptable evidence may be used. Such evidence may include but is not limited to: statements received by the county welfare departments by phone from the care provider, canceled checks, statements from neighbors or other persons with a reasonable knowledge that services were provided (i.e., they take their child to the same facility), or an affidavit from the recipient which includes an explanation as to why a receipt from the provider was not available.

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(Pursuant to Government Code Section 11380.1)

There are no added county costs associated with these changes.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING**SEP 28 1977**

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING

(Gov. Code 11380.2)

SEP 28 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: September 28, 1977

By: *Marvin J. Wood*

Director

(Title)

FILEDIn the office of the Secretary of State
of the State of California**SEP 28 1977**

At 1:30 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Diane E. Davonian*

Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

ADOPT: Section 44-203
44-205
44-206

Section 44-211
Chapter 50-007
Section 44-207

REPEAL: Section 44-265
44-269

Chapter 42-300
Section 44-212

AMEND: Section 40-105.2
40-;71.21
41-440.513
44-111.23
44-133.61
44-133.62

Section 44-133.8
44-305.12
44-315.42
44-315.51
44-323.41
44-315.6

Section 44-323.11
44-201
44-213

REFERENCE: These regulations implement provisions of the Welfare and Institution Code Sections 11201; 11203; 11253; 11450; 11104; 11268; 11308; 11477; 11452; 11455; 10609; 11212; 11251; 11454; 11205; 14000.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On September 12, 1977, the Sacramento County Superior Court entered a Judgment in the case of McLean v. Obledo. This Judgment requires that payments under the Aid to Families with Dependent Children program (AFDC) be made to certain relatives who live with recipient children.
2. The Judgment in McLean v. Obledo also requires that payments to eligible relatives begin as soon as eligibility is established but not earlier than November 1, 1977.
3. In order to ensure that individuals who will become eligible to receive AFDC payments as a result of McLean v. Obledo are allowed to apply for and receive assistance on or after November 1, 1977 it is necessary to adopt regulations on an emergency basis to become effective on November 1, 1977.

The regulation changes set forth above are adopted as emergency measures to become effective November 1, 1977, after filing with the Secretary of State.

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(Pursuant to Government Code Section 11380.1)

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY

40-105

AFDC .2 Social Security Account Number (SSN)

.21 Each applicant or recipient member of the FBU, excluding unborn children, shall, as a condition of eligibility:

.211 Furnish a Social Security Account Number (SSN) or numbers, if more than one, or

.212 If he/she cannot furnish a SSN, cooperate in securing such number by applying directly to a local office of the Social Security Administration. The applicant or recipient shall furnish the SSN to the county welfare department when it has been received.

.22 Aid, including payment of aid on an immediate need basis, shall not be denied, delayed, or discontinued until the county has determined that the applicant or recipient has refused to furnish such number or numbers or has refused to apply for such number. (See Section 44-205 FBU Composition)

.23 Where the parent or relative living with a child refuses to furnish or apply for a number for that child, such child is not eligible.

.24 In AFDC Foster Care, where a parent, legal guardian, or relative is not available to apply for a SSN for the child, the placing agency shall make application.

.25 The county welfare department shall apply the requirement of this section to all applicants effective October 1, 1975, and to all recipients no later than the next redetermination of eligibility.

40-171 ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND
INTRAPROGRAM STATUS CHANGES

40-171

.2 Actions - General

Actions on applications consist of approvals, denials, withdrawals, or cancellations.

.21 Application or Request for Restoration Approved

.211 Application Granted - General

If eligibility is established (see Sections 44-207 and 47-501 Financial Eligibility) aid to begin at a specified time shall be authorized on the date the determination of eligibility is completed.

(See Section 40-129 regarding applications granted on the basis of "immediate need" prior to the completion of the determination of eligibility.)

.212 Certification for Medical Assistance

Every applicant who is determined to be eligible (see Sections 44-207 and 47-501 Financial Eligibility) certified for medical assistance. If eligibility for medical assistance only is determined, the application is granted but is designated as "medically needy" and the applicant is certified for medical assistance. Certifications are to be made as provided in Medical Assistance Regulations, Title 22, California Administrative Code, Division 3. (W&IC 14017). The effective date of certification is determined as provided in Sections 44-317 and 47-817.

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(Pursuant to Government Code Section 11380.1)

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

AFDC .5 Evidence to Document Federal Eligibility of AFDC-U Fathers (Continued)

.513 Earnings record during the last quarter.

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME

44-111

AFDC Federal and state statutes exclude or exempt certain types of payments or benefits in whole or in part from consideration as income. These exclusions and exemptions vary widely between programs. However, the federal statutes also provide that any income to an individual which is disregarded in determining his eligibility under the provisions of one categorical aid program shall not be taken into consideration in determining the eligibility and/or the amount of assistance paid to a recipient receiving aid under another categorical aid program.

The exclusions and exemptions and the applicable programs are discussed below.

AFDC .2 Exemption of Earned Income – AFDC (Continued)

(See Section 44-101.5 for the definition of earned income.)

.23 30 and 1/3

Children who are in the FBU but are not qualified for the exemptions in .21 and .22 above and adults who are in the FBU shall, out of their combined gross earned income, have the first \$30 plus one-third of the remainder exempted.

(For purposes of determining financial eligibility, this exemption shall not be applied to the income of any person unless he was eligible for and in receipt of an AFDC payment (see 44-207.222 "net nonexempt income" for definition of "in receipt of an AFDC payment") from any state during one of the immediately preceding four months and is currently included in the FBU. If the family is determined to be eligible for aid without this exemption, the exemption is to be applied in determining the amount of the aid payment.)

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(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME — AFDC (Continued)

44-133

.6 Stepfather's Income and LiabilityAFDC.61 Definition of Stepfather Unit

The stepfather, his wife, and his children, including children he has in common with his wife, are members of the Stepfather Unit when they are not in the Family Budget Unit.

Within this definition and the definition of Family Budget Unit household may be in either the Stepfather Unit or the Family Budget Unit.

(Sections 44-203 and 44-205)
 / persons in the

.62 Needs of Stepfather Unit.621 Stepfather in Family Budget Unit

Sections 44-203 and 44-205

When the stepfather is included in the Family Budget Unit (see / the total amount of his net nonexempt income shall be income to the Family Budget Unit for purposes of grant computation. The exemptions of earned income listed in 44-111.2 shall be allowed where applicable.

.622 Stepfather Not In Family Budget Unit

When the stepfather is excluded from the Family Budget Unit, the county shall determine his ability to support himself, his wife, or his children including their children in common on the basis of the AFDC Minimum Basic Standard of Adequate Care (Section 44-207.2) Allow deductions from his gross income for mandatory payroll withholdings and prior support liability in accordance with Section 44-133.633a.

- a. If his income meets their combined need, exclude his wife and his children from the Family Budget Unit for purposes of both eligibility determination and grant computation.
- b. If his income does not meet their combined need, include his wife and any of the stepfather's needy eligible children for whom aid is requested in the Family Budget Unit for purposes of both eligibility determination and grant computation.

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44-133 TREATMENT OF INCOME – AFDC (Continued)

44-133

.8 Restricted Income

- .81 When a child with restricted income (Section 44-101.2) is included in the Family Budget Unit, (Section 44-205) his restricted income is income to the Family Budget Unit.
- .82 When a child with restricted income (Section 44-101.2) is not included in the Family Budget Unit, (Section 44-205) the restricted income shall not be treated as income to the Family budget Unit except to the extent that the restricted income is actually used for or contributed to Family Budget Unit members.

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(Pursuant to Government Code Section 11380.1)

Chapter 44-200 FBU COMPOSITION AND NEED 44-200

44-201 CHAPTER CONTENTS 44-201

This chapter includes:

a. Description of persons who may be included in the Family Budget Unit (FBU) (Section 44-203).

b. Description of circumstances under which these persons can be included (Section 44-205).

c. Description of circumstances under which these persons are to be excluded (Section 44-206).

d. The method of determining whether an FBU is financially eligible for AFDC (Section 44-207).

e. An identification of the groups of aided persons for claiming federal financial participation (Section 44-209).

f. The circumstances under which an FBU can receive a payment for recurring and nonrecurring special needs (Sections 44-211 and 44-267).

g. Description of medical needs which the FBU may have (Section 44-213).

h. Description of how to handle persons who do not meet requirements for inclusion in the FBU (Section 44-215).

i. A method for assessing substandard housing (Section 44-217).

j. An outline of minimum needs of a child in foster care (Section 44-221) including mothers in maternity homes (Section 44-223).

k. Description of special needs in foster care (Section 44-267).

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(Pursuant to Government Code Section 11380.1)

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU

44-203

1. Eligible Children

.11 An eligible child is a child including an unborn who is:

.111 A member of a financially eligible FBU (see 44-207 Financial Eligibility) and is,

.112 Deprived of parental support and care. (see Chapter 41-400 Deprivation of Parental Support or Care) and is,

.113 Under 18 years old or under 21 years old attending school, vocational training, etc. (see Chapter 42-100 Age) and is,

.114 Not currently married and is,

.115 Living in the home of a caretaker relative.

a. "The home of a caretaker relative" is a family setting maintained or in the process of being established. A assumes home exists so long as the relative / responsibility day to day for the/care and control of the child.

An eligible child is considered to be living in the home of a caretaker relative even though the child and/or the relative is temporarily absent from the home. However, the caretaker relative must continue to have responsibility for the care and control of the child during the temporary absence.

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44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU (Continued)

44-203

.115 a Continued

Temporary absences include; hospitalization, attendance at school, visiting, vacationing, moving, trips made in connection with current or prospective employment, and similar situations. (see Section 44-305.132 for Special Circumstances Concerning Temporary Absence from a Foster Home or Institution).

- b. An eligible child is also considered to be living in the home of a caretaker relative where the child would be physically present in the home except for circumstances that require granting assistance to the relative for up to thirty days prior to the child's arrival in the relative's home from placement in a foster home or institution (see Section 44-267.2, Special Needs for Children in Foster Care).

.2 Caretaker Relatives

.21 A caretaker relative is the person in the home responsible for care and control of an eligible child (see Section 44-203.115 above).

.22 The caretaker relative of an eligible child must be one of the following:

.221 The father, mother, brother, sister, half brother, half sister, uncle, aunt, first cousin, nephew, niece, or any such person of a preceding generation denoted by the prefixes grand, great, great-great.

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44-203. PERSONS WHO MAY BE INCLUDED IN THE FBU (Continued)

44-203

.222 The stepfather, stepmother, stepbrother or stepsister.

.223 The spouse of any person named in .221 or .222 even after the marriage has been terminated by death or dissolution.

If an eligible child has been legally adopted, the relatives specified above shall refer to the adoptive relatives of the child rather than the child's natural relatives.

.3 Other Relatives Living in the Home of an Eligible Child

.31 In order to be considered a relative under this section, a person must register for WIN unless excluded under Section 42-600.51 or exempt under Section 42-630. Those who are exempt from WIN because of remoteness (Section 42-630.6) must register for Employment Services. Those persons excluded from WIN must register for Employment Services unless they would be exempt under Section 42-630 criteria.

.32 A relative is considered to be living in the home of an eligible child even though the relative and/or child is temporarily absent from the home. Temporary absences include: hospitalization, attendance at school, vacationing, moving, trips made in connection with current or prospective employment, and similar situations (see Section 44-305.132 for Special Circumstances concerning temporary absence from a Foster Home or Institution).

.33 Other relatives include:

.331 Second married or unmarried parent (natural or adoptive).

.332 Stepparents who are:

a. unemployed (see Section 41-440.1 for definition of unemployment)

b. the spouse of an eligible child's natural or adoptive parent when the basis of deprivation is the incapacity or unemployment of a natural or adoptive parent

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44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU (Continued)44-203

.333 Unmarried brothers and sisters including half or stepbrothers or
stepsisters

/who are under 21 years of age, and who are not eligible

children under Section 44-203.1 because they do not meet the

requirements of Section 44-203.22 (Deprivation) and/or Section

44-203.113 (school attendance, vocational training, etc.).

.334 Relatives necessary to provide child care for an eligible

child, (relative includes only those persons specified in

Section 44-203.22 above).

a. A relative is determined to be necessary to provide child

care for an eligible child where:

(1) The eligible child's caretaker relative is inca-

pacitated or employed, and

(2) The caretaker relative is needed to care for

the eligible child due to incapacity or employment,

and

(3) No other relative in the FBU can care for

the eligible child.

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44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION44-205.1 General

When AFDC is requested for a child, the determination of
who is included in the FBU is made by the county and the
caretaker relative of the child.

.2 Establishing the FBU

.21 When an applicant for AFDC submits the Form CA 2, it
includes the names of all children for whom aid
is being requested. The first step in establishing
the FBU is to determine the caretaker relative(s) of
the children for whom aid is requested. It is
necessary to identify the caretaker relative(s) in
order to determine if there will be one or
more FBU's (see Section 44-203.21 Definition of
Caretaker Relative above).

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44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION (Continued) 44-205

.2 Establishing the FBU (Continued)

Generally, if the child is living with a parent, the parent
is the caretaker relative. If the child is not living with
a parent, generally the applicant will be the caretaker
relative. The county must make a determination of what person
or persons have repsonsibility for the care and control of
the children for whom aid is requested based on information
supplied by the applicant.

.22 Once the county has determined which person or
persons in the home is a caretaker relative, it is
possible to establish the FBU. ^{All of the} ~~7~~ eligible child(ren)
for whom aid is requested will be in one FBU if there
is only one caretaker relative in the home. If there
is more than one caretaker relative in the home, the
eligible children of each caretaker will be in separate
FBU's, except in the following situations:

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44-205PERSONS WHO ARE INCLUDED: FBU COMPOSITION (Continued) 44-205

.221 Only one FBU is established where the caretaker
relative is a parent who could be included as an eligible
child in the FBU of another caretaker relative
in the home.

A common example would be when an unmarried
daughter in her parent's FBU becomes pregnant
and aid is requested on behalf of the unborn
on the basis of Deprivation due to the father's
absence. So long as the pregnant minor continues
to meet all other eligibility requirements, as
a child in her parent's FBU, the unborn is
added to the existing FBU.

.222 Only one FBU is established where two caretaker
relatives in the home have separate children
also
and/have a child in common for whom aid is
requested.

.223 Only one FBU is established where the two caretaker
relatives in the home are married to each other and have
separate children.

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44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION (Continued) 44-205

.23 Every FBU must include at least one eligible child.

The FBU shall also include the following persons
living in the home:

.231 The natural or adoptive parent who is the
caretaker relative of the child(ren); and

.232 The eligible child's second married or unmarried
natural or adoptive parent.
relatives

.24 Additional / living in the home may be included
in the FBU on request of the applicant or recipient.

At the time of application, redetermination, or at any other time
the recipient informs the county of any other relatives in the home,
the county shall identify for the applicant or recipient which
additional relatives in the home may be included in the FBU, and
the county shall advise the applicant or
recipient of the effect of including or excluding
relative(s).
such / This advice shall include a descrip-
tion of the FBU composition which will result in the
maximum aid to which the family is eligible (considering
the income and resources of each person who may be
shall
included). The following relatives / be included upon request
of the applicant or recipient in
the FBU unless excluded pursuant to Section 44-206.1:-

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44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION (Continued)

44-205

.241 Other related eligible children. (Sections 40-121.3 and 44-317.62)

.242 The caretaker relative who is not a parent.

.243 Stepparents.

a. Unemployed (see Section 41-440.1 for definition of unemployment).

b. The spouse of an eligible child's natural or adoptive parent when the basis of deprivation is the incapacity of the adoptive parent.

.244 Unmarried brothers and sisters who meet the requirements of Section 44-203.333

.245 Relatives necessary to provide child care of an eligible child (see Section 44-203.334).

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE FBU

44-206

.1 The following persons must be excluded from the FBU (even if it would be appropriate to include them under .23 or .24 above):

.11 A person who receives APSB, SSI/SSP, IRAP, CR, or In-Home Support / ^{Services} pursuant to Sections 30-450 and 30-460.

.12 Persons whose needs are met by the stepfather pursuant to Section 44-133.622(a). (Stepfather not in FBU)

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44-206 PERSONS WHO MUST BE EXCLUDED FROM THE FBU (Continued) 44-206

.13 A person who refuses to furnish or
cooperate in securing a social security account
number for himself or herself pursuant to Section
40-105.2. If the parent, caretaker relative, or
legal guardian refuses on behalf of a child in his
or her care, exclude such child.

.14 A person against whom a sanction is being applied
for any of the following reasons:

a. A U-father who has been sanctioned by WIN.

b. A parent or needy caretaker relative who refuses
to assign support rights.

c. A parent or needy caretaker relative who
refuses to cooperate in the identification
and location of the absent parent, establish-
ment of paternity, and enforcement of the
support obligation as determined to Section
43-107.1. (Cooperation Requirements)

d. A parent or needy caretaker relative who
refuses to apply for or accept unconditionally
available income. (Section 44-103.22)

.15 A person who refuses to cooperate in the veri-
fication of his/her citizenship or alien status.
(Section 42-433.1)

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44-206 PERSONS WHO MUST BE EXCLUDED FROM THE FBU (Continued)44-206.16 The AFDC U-parent who refusesto apply for or accept UIB. In such cases theentire family is ineligible. (Section 44-103.232).17 Any relative who is not registered for WIN or Employment Services
per Section 44-203.31.

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(Pursuant to Government Code Section 11380.1)

44-207 FINANCIAL ELIGIBILITY

44-207

.1 The FBU is financially eligible for any month in which/the combined
actual or estimated net nonexempt income/of members of the FBU
is less than the Minimum Basic Standard of Adequate Care (MBSAC).

.2 Definitions

.21 Minimum Basic Standard of Adequate Care

.211 The MBSAC is the amount of money which is necessary
to provide an FBU with the following:

a. Housing.

b. Clothing.

c. Food.

d. Utilities.

e. Items for household operation, education and
incidentals, recreation, personal needs, and
insurance.

f. Essential medical, dental, or other remedial care
not otherwise provided at public expense.

g. Recurring special needs not common to a majority
of recipients.

.212 The amount of the MBSAC is as follows:

Size of FBU

Minimum Basic Standard
of Adequate Care

<u>1</u>	<u>\$177</u>
<u>2</u>	<u>297</u>
<u>3</u>	<u>361</u>
<u>4</u>	<u>444</u>
<u>5</u>	<u>513</u>
<u>6</u>	<u>578</u>
<u>7</u>	<u>636</u>
<u>8</u>	<u>702</u>
<u>9</u>	<u>769</u>
<u>10</u>	<u>836</u>

plus \$7 for each additional needy person.

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(Pursuant to Government Code Section 11380.1)

44-207 FINANCIAL ELIGIBILITY (Continued)

44-207

.22 Net Nonexempt Income

.221 Net Nonexempt Income is gross income (including
current child support payments collected by the county)
minus all applicable income exemptions (listed in 44- 111)
and income deductions (listed in 44-113).

.222 For purposes of determining financial eligibility the
earned income exemption (\$30 & 1/3) provided for in.
44-111.23 shall be applied only if the person who earned
the income was eligible/and received an AFDC payment
from any state during at least one of the immediately
preceding four months and is currently included in
the FBU. A person is considered to have received an
AFDC payment when the grant for the FBU is reduced to
zero to adjust or offset a prior overpayment. A person
is not considered to have received an AFDC payment if
the FBU was on other noncash grant status including:
a. Zero Basic Grants (44-315.422) where no payment is
made / for recurring special needs.
b. Refused Cash Grant or other Medi-Cal Only cases
under Title 22 of the California Administrative
Code.

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44-207 FINANCIAL ELIGIBILITY (Continued)

44-207

- .3 Financial eligibility shall be determined on the basis of actual net nonexempt income or a reasonable estimate of net nonexempt income expected to be received/ during the month. Such an estimate must be based on all relevant information available to the county and the recipient. An FBU which received aid for a month based on a reasonable estimate of net nonexempt income shall not later be considered financially ineligible if actual net nonexempt income exceeds the estimate.
- .4 If aid is discontinued because estimated net nonexempt income is expected to result in financial ineligibility and this amount of income is not actually received, the county shall rescind the discontinuance and issue the correct grant.

44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF FEDERAL FINANCIAL PARTICIPATION

44-209

.1 General

If an FBU is determined to be financially eligible and an aid payment is/issued, it is necessary to determine whether federal financial participation is available for each person in the FBU. For purposes of determining federal financial participation, AFDC recipients shall be categorized into three groups:

- a. Federally eligible persons;
- b. Essential persons;
- c. Federally ineligible persons.

What follows is a description of the categories of persons who shall be included in each group.

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(Pursuant to Government Code Section 11380.1)

44-209

IDENTIFICATION OF PERSONS FOR THE CLAIMING OF
FEDERAL FINANCIAL PARTICIPATION (Continued)

44-209

.2 Federally Eligible Persons

.21 Children

.211 All children who are deprived of parental support and care
due to the death (Section 41-420), incapacity (Section 41-430),
or continued absence (Section 41-450) of a parent.

.212 All children who are deprived of parental support and care
due to the unemployment of a parent who meets federal
eligibility conditions as specified in Section 41-440.4.

.22 Adults

.221 The caretaker relative of any federally eligible child under .21 above.

.222 The second parent of a federally eligible child under .21 above when
the deprivation of at least one child is the incapacity or unemployment
of a parent who meets federal eligibility conditions as specified in
Section 41-440.4.

.223 The spouse of an incapacitated caretaker relative when the caretaker
relative is a parent of a federally eligible child under .21 above.

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(Pursuant to Government Code Section 11380.1)

44-209IDENTIFICATION OF PERSONS FOR THE CLAIMING OF
FEDERAL FINANCIAL PARTICIPATION (Continued)44-209.3 Essential Persons

.31 An essential person is a person described in .32 below who is
not a federally eligible person and who is related to a child
determined to be federally eligible under .21 above.

.32 The following persons shall be included as essential persons:

.321 Unemployed stepparents who are not federally eligible persons under
Section 44-209.22.

.322 Unmarried brothers and sisters who are under 21 years
of age including half or stepbrothers and sisters.

.323 Relative necessary to provide child care for an eligible
child (Section 44-203.334).

.4 Federally Ineligible Persons

.41 All persons included in an FBU who are not determined to be
"federally eligible persons" under .2 or "essential persons" under
.3 are federally ineligible children or adults.

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(Pursuant to Government Code Section 11380.1)

44-211 SPECIAL NEEDS IN AFDC

44-211

.1 General

.11 A special need is a need not common to a majority of recipients for certain goods or services which are essential for their support. The county is responsible for assisting the applicant or recipient in identifying any special needs which he/she may have. In order to meet this responsibility, the county shall give the applicant or recipient a clear explanation of the types of special need allowances which are available, and of the procedure for securing payment for those needs.

.12 There will be no state participation in the cost of any special need granted to an AFDC recipient.

.13 Before a payment is made which includes a special need allowance, evidence is required to establish:

.131 that the conditions set forth below under which the need may be allowed are met,

.132 the total cost of the need and the payment plan,

.133 the proportion of the cost which should be borne by the recipient if the need is shared by others in the household,

.134 the period over which the need will continue.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-211 SPECIAL NEEDS FOR AFDC (Continued)

44-211

.2 Recurring Special Needs

A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.

The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified monthly on the WR 7 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need must be resubstantiated at least annually upon redetermination of eligibility and may be required more often considering the type of need and potential for change.

The total allowance payable for all recurring special needs shall not exceed the difference between Maximum Aid Payable (MAP) and the Minimum Basic Standards of Adequate Care (MBSAC) as determined by the FBU. See EAS 44-315.422.

.21 Therapeutic Diets

.211 Special need for a therapeutic diet shall be authorized when recommended by a physician and therapeutic diets are not limited to those listed below, except that final determination of the need may be based upon consultation with the county medical consultant.

.212 The recipient is entitled to establish actual expenses related to the diet plan if it is to his or her benefit to do so. However, if the recommended diet plan includes one or a combination of the following diets, the county may pay the amount indicated for the highest cost diet without verification of actual costs:

\$15 for the following diets:

Diabetic, 2200 calories or more
High Calorie – High protein (including special formula for infant)
Lactation (while breast feeding)

\$9 for the following diets:

Diabetic, under 2200 calories
Bland
Low Fat – Cholesterol
Low Salt (sodium, under three grams)
Pregnancy

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-211 SPECIAL NEEDS FOR AFDC (Continued)

44-211

.22 Other Recurring Special Needs

A recipient is eligible for a special need allowance for the following recurring special needs when the county verifies that they occur for reasons not common to a majority of recipients and that they are essential for support. Determination of any allowance shall be consistent with the following guidelines and limitations:

.221 The actual cost of special transportation except that the allowance shall not exceed the actual cost of the least expensive mode of transportation (including common carrier) reasonably available to the recipient. The county may compute the costs for a private automobile according to the number of miles traveled at the rate of \$0.12 a mile without further documentation by the recipient. Examples of special transportation needs are where the recipient must journey an unusual distance or travel daily to receive required medical treatments.

.222 The actual cost of special laundry. The county may allow \$3.00 per month without verification of actual cost by the recipient. An example of special laundry needs would be where a recipient is required to change and clean bedding or clothing more than usual because of a medical condition.

AFDC

.223 The actual cost of employing someone to do the cooking, washing, ironing, household cleaning, and similar chore services for members of the FBU when the county verifies that the family caretaker is unable to perform any one or more of these functions, and that such duties cannot be performed without charge by persons in the household.

.224 The actual cost of special telephone service or equipment such as the cost of an amplifying device when a member of the household is handicapped by an auditory impairment.

.225 The actual cost of excessive use of utilities when the county verifies that the excessive use is required for a reason not common to a majority of recipients and is essential for their support. Excessive use of utilities means the FBU's share of the actual cost of utilities is in excess of the in-kind income values for utilities for that size FBU. The county may allow \$5.00 per month without verification of actual cost by the recipient.

.23 Where a recurring special need also qualifies as an allowable service-connected expense pursuant to Section 10-305 or Chapter 30-500, the county may authorize any combination of such funds to meet the family's needs so long as there is no duplication in aid payment. When a special need is to be met from a combination of such funds, the allowance must be based on the actual costs and not the guidelines specified above.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-211 SPECIAL NEEDS FOR AFDC (Continued)

44-211

.3 Nonrecurring Special Needs

.31 A recipient FBU is eligible for a nonrecurring special need allowance to repair or replace any of the items listed in .34 below which are owned by the recipient family when loss or damage of these items occur which, in the judgment of the county, is due to sudden and unusual circumstances beyond the control of the family. Loss or damage caused by wear and tear, breakdown, or obsolescence is not considered due to sudden and unusual circumstances beyond the control of the family.

.32 The county shall determine the most feasible and economic method of repair or replacement including the provision of used, serviceable items and such method shall be binding upon the recipient. Repair or replacement shall be allowed only when the item is not available to the family without cost from any source. If the recipient is to purchase the item(s), verification of purchase may be required by the county.

.33 The costs of any nonrecurring special needs shall be met by first requiring the recipient to utilize his available liquid assets. When the allowance for a nonrecurring special need cannot be met in full by the recipient's available liquid assets, it shall be allowed as a part of the grant to the extent that the special need cannot be provided for out of the recipient's available liquid assets.

"Liquid assets," as used herein, means resources which are immediately available, or can be made immediately available. This includes cash, negotiable stocks or bonds, bank accounts, etc.

The cash surrender value of insurance, mortgages, trust deeds, the market value of household furnishings and personal effects, automobiles, real property, etc., shall not be considered liquid assets. Liquid assets essential to a plan for rehabilitation or self-support shall not be considered immediately available.

Income which was appropriately exempt from consideration in determining the public assistance grant: such as \$30 and 1/3 exemption for earned income and CETA payments (see Section 44-111) is included in the evaluation of liquid assets if still available to the recipient and if not exempt for a specific purpose, e.g., Relocation Assistance Benefits, business inventories, and a grant or loan for educational purposes.

AFDC .34 The amount of the allowance for each item to be repaired or replaced shall be determined by the lesser of the actual cost including sales tax, or the maximum amount listed below:

.341 Clothing — \$25 for each person in the Family Budget Unit.

.342 Bedding, dishes, and kitchen utensils — \$12 for each person in the Family Budget Unit.

.343 Cook stove — \$142.

.344 Refrigerator — \$190.

.345 Space heater — \$73.

.346 Double bed including mattress — \$143.

.347 Other essential furniture — \$50.

.35 The total amount allowed for nonrecurring special needs, in addition to liquid assets utilized by the recipient, shall not exceed \$300 for each incident described in Section 44-211.31.

.36 The county may pay the nonrecurring special need allowance in multiple payments over a period not to exceed three months. A nonrecurring special need paid in this manner shall not be considered recurring.

.37 Nonrecurring special needs shall not be taken into consideration in determining an applicant family's eligibility for AFDC.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-213 MEDICAL NEEDS – GENERAL

44-213

AFDC | The county shall explore actual and potential medical needs of each recipient and assist in arranging for necessary health care from the appropriate sources.

Regardless of his immediate need, every recipient of a cash grant shall be certified for basic and extended health care under the Medi-Cal program. The specific scope of basic and extended health care available to public assistance recipients and procedures applicable in authorizing vendor payments for such care are set forth in Medical Assistance Regulations. A "recipient" as used herein, includes an eligible person for whom, in the month the medical care is received:

- .1 A cash grant payment is made; or
- .2 The authorized grant is reduced to zero to adjust for an overpayment (see Section 44-335.221 a); or
- .3 Aid is discontinued for a family in which the parent is employed part-time but is no longer financially eligible.

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(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

.1 To Whom Paid and Delivered (Continued).12 Child Living with Parent or Relative

.121 If a child is living with a caretaker relative, the warrant shall be paid only to the caretaker relative unless such _____ relative has a legally appointed guardian or conservator or there is a substitute payee or there is a vendor designated to receive payment (see Section 44-307). In such cases, the warrant is paid to the guardian, conservator, substitute payee or vendor.

.122 If the caretaker relative is temporarily absent from the home, the warrant may be paid to a person designated by the caretaker relative.

.123 The warrant is to be delivered only to the payee or otherwise according to the payee's instructions. If there is an emergency, the warrant may be delivered to a person acting temporarily for the parent or relative payee. (See Section 25-530.2)

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

.42 Child Living With Parent or Relative (Special Needs)

Any FBU, when the net nonexempt income is less than the Minimum Basic Standard of Adequate

44-207.21

Care (Section 7), is considered to be an eligible assistance case and may receive payment to special needs determined as follows:

.421 Round to the nearer dollar the amount of recurring special needs (see Section 44-211/.3) the FBU is eligible to receive. Amounts ending in 50 cents should be rounded to the next higher dollar.

.422 Allowable payment for recurring special needs shall be limited as follows:

Basic Grant Cases — up to the appropriate amount in the Table of Maximum Amounts for Recurring Special Needs.

Size of FBU	Maximum Amount for Recurring Special Needs
1	\$ 2
2	10
3	5
4	21
5	30
6	35
7	40
8	53
9	68
10	82

Plus seven dollars (\$7) for each additional person in the FBU.

Zero Basic Grant Cases — up to the difference between the net nonexempt income and the appropriate amount in the Table of Minimum Basic Standard of Adequate Care (Section 44-207.21).

.423 The amount determined in .421, up to the limitation determined in .422, shall be paid in addition to the basic cash grant.

.424 Round to the nearer dollar the amount of nonrecurring special needs (Section 44-211/.3) the FBU is eligible to receive. Amounts ending in 50 cents should be rounded to the next higher dollar.

.425 Payment for nonrecurring special needs shall be added to that determined payable as the basic cash grant and for recurring special needs, provided that any remaining excess of net nonexempt income above the maximum aid payment not utilized to meet recurring special needs is applied to meet the cost of nonrecurring special needs.

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(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

5 Determining Amount of Grant — Child Living in a Foster Family Home or Private Institution

.51 Basic BHI Payment

Effective April 1, 1970, and operative for all cases not later than July 1, 1970, the foster care payment is determined by:

- a. Rounding to the nearest dollar total net income of the child as determined under Chapter 44-100 and the sum of the county foster care rate and special need as determined under Sections 11-225 and 44-267, with total amounts ending in 50 cents or more rounded to the next higher dollar;
and
- b. Subtracting the rounded current net income from the rounded total need.

.52 \$12.50 Foster Parent Increase

For September, 1976 and thereafter, those foster care grants qualifying under Section 11-225.23 shall be increased by \$12.50 per month per child.

6 Budget Period

.61 The budget period in counties without an approved alternate payment system:

- .611 The budget period for AFDC-FG and AFDC-U cases shall be the second prior calendar month before the first installment of the corresponding payment period. (See Section 44-305.221)
- .612 The grant for the initial and second payment period (calendar months) shall be computed on the basis of known or estimated income in each of those two months (concurrent budgeting).
- .613 The grant for the third and subsequent payment periods shall be based on actual income received in the budget period as defined in Section 44-315.611 (prior month budgeting).

.62 The budget period in counties with approved alternate payment systems: (See Section 44-305.3.)

- .621 The budget period for AFDC-FG and AFDC-U cases shall be a 28 to 31-day period ending not more than 31 days nor less than 28 days before the first installment of the corresponding payment period. The budget period is not limited to a calendar month.
- .622 The grant for the initial and second payment period shall be computed on the basis of known or estimated income in each of those payment periods (concurrent budgeting).
- .623 The grant for the third and subsequent payment periods shall be based on actual income received in the budget period as defined in Section 44-315.621 (prior month budgeting).

For example: If a recipient's payment period is from January 10 through February 9th (31 days). For a payment period of April 10 through May 9th the budget period is February 10 through March 9th (28 or 29-day period) (44-315.621).

If this recipient is eligible for aid granted effective January 10th the grant for the first payment period (January 10 through February 9) is based on his known estimated income for this payment period (January 10 through February 9). Beginning with the third payment period, (March 10 through April 9) prior month budgeting begins and the grant is based on actual income received in the corresponding budget period (January 10 through February 9).

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE

44-323

AFDC

.1 Eligibility

.11 General Eligibility for Foster Care Payments

.111 A child placed in accordance with a services determination of the need for foster care and for whom an application for AFDC-BHI is made, meets the deprivation criteria of Section 41-401.1.

However, to be eligible for AFDC-BHI, a child must be receiving care from a person other than his/her relative as defined in Section 44-203.22 (Persons Who May Be Included In The FBU).

The child must also meet all other AFDC eligibility requirements applicable to a child in a foster care setting, including the following:

- a. The residence requirements of Sections 42-400 and 42-425.
- b. The age requirements of Section 42-101.
- c. The property requirements for AFDC contained in Chapter 42-200.
- d. The cost of foster care must be greater than nonexempt net income as determined under Chapter 44-100.
- e. The institutional status requirements of Chapter 42-500.

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44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

.4 Criteria for Federal Eligibility

A child removed from his home pursuant to any judicial determination that results in his placement in foster care is Federally eligible for AFDC-BHI if the requirements of .41 through .45 also are met:

.41 In the month during which the court proceedings are initiated:

- a. The child is receiving AFDC, or
- b. The child was living with and was removed from the home of a relative specified in Section 44-203.2 and would have received AFDC if an application had been made, or
- c. The child had been living with a relative specified in Section 44-203.2 within the six months prior to initiation of court proceedings, and the child would have received AFDC in or for such month in which court proceedings were initiated had the child still been living with (and removed from the home of) such relative, and had application been made for AFDC.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

50-007 MCLEAN V. OBLEDO

50-007

On September 12, 1977 the Sacramento County Superior Court entered a Judgment in the case of McLean v. Obledo. This judgment provides that certain relatives of AFDC recipient children may be included in the child's FBU upon request of an applicant or recipient. These relatives include unemployed stepparents, unmarried brothers and sisters, relatives necessary to provide child care and certain unemployed fathers. Regulations implementing the McLean v. Obledo Judgment were adopted effective November 1, 1977 (EAS Chapter 44-200). In addition the Department of Benefit Payments will advise AFDC recipients of the terms of the Judgment in a notice to be sent with the November 1, 1977 Medi-Cal cards. The purpose of these regulations is to provide further explanation of certain portions of the Judgment.

The Judgment in McLean v. Obledo provides that payments to or on behalf of affected individuals will not be made for any month prior to November 1, 1977, with two exceptions:

- .1 Any person who would have been eligible to receive an AFDC payment under the FBU regulations in effect on November 1, 1977, and whose inclusion in an AFDC-FBU is the subject of a fair hearing pending on November 1, 1977, shall be included in the FBU effective the first day of the month following the date on which inclusion was sought. Counties need not initiate any action to implement this portion of the McLean Judgment. However, you should be aware that fair hearing decisions adopted on or after November 1, 1977 will reflect this requirement.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

50-007 MCLEAN V. OBLEDO

50-007

- .2 Any person who would have been eligible to receive an AFDC payment under the FBU regulations in effect on November 1, 1977, and whose inclusion in an AFDC-FBU was the subject of a final fair hearing decision may request a rehearing of that decision within one year of the date the final fair hearing decision was received. Any rehearings which are conducted under this portion of the Judgment will be decided under the FBU regulations in effect on November 1, 1977, except that affected persons may be included in the FBU effective the first day of the month following the date on which inclusion was sought. Counties should assist any individuals who may be affected by this portion of the Judgment in requesting rehearings from the Department of Benefit Payments. Any such rehearing request should be identified as a "MCLEAN REHEARING".

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed on November 1, 1977, after its filing with the Secretary of State:

Chapter 42-300 (Financial Eligibility)
Section 44-265 (Special Needs in AFDC)
Section 44-269 (Medical Needs - General)

Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement of cost incurred by counties in carrying out these regulations because these regulations carry out a court decision in McLean v. Obledo.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF BENEFIT PAYMENTS
744 P Street, Sacramento, CA 95823

October 3, 1977

FILE
In the office of the Secretary
of the State of CaliforniaOCT 5 - 1977
At 2:02 clock P.M.
MARCH FONG EU, Secretary of State
By Pha Vudach
Deputy Secretary of State**CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code**

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on June 21, 1977, concerning SSI/SSP, APSB Cost-of-Living Increases, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit PaymentsBy Marion J. Woods
MARION J. WOODS, Director

RECEIVED FOR FILING

OCT 5 1977

Office of Administrative Hearings

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95823



October 3, 1977

FILED
In the office of the Secretary of State
of the State of California

OCT 3 - 1977
At 2:02 o'clock P. M.
MARCH FONG EU, Secretary of State
By Merjia R. Herderson
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on June 21, 1977, concerning Snyder v. Obledo, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit Payments

By Marion J. Woods
MARION J. WOODS, Director

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OCT 5 1977

Office of Administrative Hearings

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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OCT 5 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
Gov. Code 11380.2

OCT 5 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated:

By:

Marion J. Woode

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 5 - 1977

At 2:02 o'clock P.M.

MARCH FONG EU, Secretary of State

By

Mervin R. Hershberger

Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on December 1, 1977 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

ADOPT: Chapter 25-900

AMEND: Section 43-203.1

These regulations implement, interpret, and make specific Section 11457 of the Welfare and Institutions Code.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

25-900 REIMBURSEMENT FOR CHILD SUPPORT PAYMENTS AND REPORTING OF COLLECTIONS 25-900

Accountability for state and federal shares of child support payments to the family under 45 CFR 302.51 is subject to receipt of child support claims prepared and submitted by the counties in accordance with instructions of, and in a manner acceptable to, the department.

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-203 DISTRIBUTION OF CHILD SUPPORT PAYMENTS

43-203

Detailed procedures for distribution of child support payments and reimbursement of state and federal shares are found in Chapter 25-900 of the Fiscal Handbook.

.1 Child support collected by the designated agency for a recipient of AFDC with respect to whom an assignment pursuant to 43-106.1 is effective, shall be distributed as follows:

AFDC

.11 (Has been repealed per Manual Letter No. 129.)

.12 The amount of collection which represents payment on the required support obligation for the month of collection, shall be retained by the county to reimburse, in whole or in part, the aid payment for that month. Of the amount retained, the county shall reimburse the state and federal governments to the extent of their participation in the financing of the aid payment.

.13 Any amount collected that is in excess of the amount required to be distributed under .12 above (and which represents payment on the required support obligation for the month of collection) shall be paid to the family up to the difference between the aid payment in the month of collection and the court ordered amount for the same month.

.131 This payment shall be made in the month following the month of collection.

.132 If the court order amount is less than such aid payment or there is no court order, no amount shall be paid to the family under this paragraph.

.14 Any amount collected that is in excess of that required to be distributed under .12 and .13 above shall be retained by the county as reimbursement for past assistance payments made to the family which have not been otherwise reimbursed.

.141 The county may apply the amount retained to any sequence of months for which it has not yet been reimbursed.

.142 The maximum amount the county may retain as reimbursement for past assistance payments is the amount of the total support obligation owed for the period(s) in which the family was on AFDC plus any payments on the required support obligation for months prior to the period in which the family was on AFDC.

.143 The county shall reimburse the state and federal governments to the extent of their participation in the financing of the aid payment.

.15 Any amounts collected which are in excess of the amounts required to be distributed under .12 through .14 above and which represent payment on a past support obligation shall be paid to the family.

.151 This payment shall be made only after all past assistance payments have been reimbursed up to the maximum specified in .142.

.152 This payment shall be made in the month following the month of collection.

AFDC

.16 Any amounts collected as child support which represent payment on the required support obligation for future months shall be treated as if it were collected in such future months.

.161 No such amount shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned pursuant to 43-106 for the current month and all past months.

.162 If a future obligation does not exist or is expected not to exist, this excess is an invalid payment and shall be returned to the absent parent.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no costs estimated for these regulations.

Approved:



Marion J. Woods, Director
Department of Benefit Payments

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77-24

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

OCT 5 1977
Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
OCT 5 1977
Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments
(Agency)

Dated: _____
By: Mahon J. Wood
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California

OCT 5 - 1977
At 2:02 o'clock P.M.
MARCH FONG EU, Secretary of State
By: Maipie R. [Signature]
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 18901, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on January 1, 1978 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 63-2326

REPEAL: Section 63-2626

These regulations implement, interpret and make specific Section 18901 of the Welfare and Institutions Code.

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**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-2326 MIGRANT SEASONAL FARM LABORERS

63-2326

Farm laborers moving at intervals to follow crop harvests and available farm labor employment will be termed "migrant seasonal farm laborers." Migrant seasonal farm laborers may travel entirely within a state or may move across many states, traveling in a seasonal pattern. Because of the transient employment and residence of migrant seasonal farm laborers, the EW is faced with a most difficult task in determining their eligibility and coupon basis of issuance.

Households containing seasonal farm laborers shall be certified in one of two ways outlined in Section 63-2326.1 and 63-2326.2, depending on household circumstances.

.1 Emergency Certification for Destitute Migrant Seasonal Farm Laborer Households

Otherwise eligible households which are destitute of income and liquid resources, and which include seasonal farm laborers, shall be certified at the zero purchase level if exclusion of anticipated but unreceived income from a new source results in the household qualifying at the zero purchase level. See Section 63-2326.12 below for criteria for determining "destitute" status. Households which qualify under Section 63-2326.1 must be certified on the day of application (i.e., as defined in Section 63-2314.4).

.11 Certification Periods for Destitute Households

- .111 Households meeting the criteria in .1 above which apply in the first half of the month and anticipate receipt of income from a new source within 15 days of the date of application shall be certified at the zero purchase level for the first half of the month.
- .112 Households meeting the criteria in .1 above which apply in the first half of the month and do not anticipate receiving income until 15 days after the date of application shall be certified at zero purchase for a full month.
- .113 Households meeting the criteria in .1 above which apply in the last half of the month shall be certified at zero purchase for the last half of the month. However, such households will often be eligible for participation as outlined in .111 and .112 above at the beginning of the succeeding month.

.12 Determination of Destitute Status

For purposes of determining whether a household meets the criteria of .1 above, the following definitions and procedures shall be used:

- .121 Destitute of income means that the household's income would place it at the zero purchase level; destitute of liquid resources means that the seasonal farm worker household does not possess sufficient liquid resources to meet the household's monthly food needs (as determined by the coupon allotment). If a seasonal migrant farm laborer household has a source of recurring income and expects to continue to receive such income during the certification period, it cannot be considered to be destitute of income unless the household's adjusted net income would qualify it to participate at the zero purchase level.

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**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-2328 MIGRANT SEASONAL FARM LABORERS (Continued)

63-2326

.122 The following procedures must be used to determine whether a household is destitute of income:

a. Recurring Income

The household will be considered, for purposes of this section, to have a "recurring source" of income where it has received income from a source prior to application and expects to receive income from the same source during the certification period. In regard to the earnings of a household member, the earnings may be considered recurring income if:

- (1) A payment was made to the household prior to application,
- (2) The household member is working for the same employer at the time of application and expects to do so during the certification period, and
- (3) One or more payments for such employment is expected to be received during the certification period.

Only the amount of recurring income paid or expected to be paid in the certification period shall be counted in computing the household's income.

b. New Income

- (1) If the household expects, but has not received, income from a new source during the certification period, this income must be disregarded in determining eligibility and issuance level during the current certification period. However, if the source of income then becomes a source of recurring income (see a. above), such income paid during a subsequent certification period would be counted as income.
- (2) Any new income received in the county during the applicable certification period, but prior to application being made, shall be counted as income.
- (3) In regard to nonrecurring income received in another project area during the applicable certification period but prior to application being made, only the amount of each income which is available at the time of application shall be counted.
- (4) The above income procedures apply both to seasonal migrant farm laborers and other members of the same household.

c. Deductions

For purposes of this section, income deductions allowable in determining destitute status shall be those allowable under Section 63-2264 that are paid or anticipated to be paid in the certification period, with the exception of deductions (under Sections 63-2264.1 and 63-2264.2) relating to income disregarded under Section 63-2326.

.13 Recurring Destitution

As long as a seasonal migrant farm laborer household qualifies as being destitute, no limit shall be placed on the number of times it can be certified under the emergency procedures applicable to seasonal migrant farm laborers. However, nothing in this section prohibits the use of an FNS-286 "Certificate of Household Transfer" in certifying the household (see Section 63-2420) if the household so chooses.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-2326 MIGRANT SEASONAL FARM LABORERS (Continued)

63-2326

2 Certification of Nondestitute Migrant Seasonal Farm Laborer Households

All eligible migrant seasonal farm laborer households which do not qualify for emergency certification as outlined in Section 63-2326.1 above will be certified under normal certification procedures. Migrants may not be certified for longer than one month unless they have documentary proof of a contract with a specific grower or crew chief with the length of employment and the wages to be paid specified as being longer than a month or they are being certified during a nonwork period. However, nothing in this section prohibits the use of an FNS-286 "Certificate of Household Transfer" in certifying the household (see Section 63-2420) if the household so chooses.

3 Exempt Income of Migrant Children

Some problems may be encountered in determining the income of migrant children under 18 years of age when the household receives one payment in compensation for work performed by all household members. Since the earned income of a student under 18 years of age is exempt, his/her income must be differentiated from that of the rest of the household's income. The EW should, as part of the certification process, determine from the head of the household, or the employer that portion of income which may be attributed to the student's work and exclude it from the household's income. This procedure applies to students who are currently attending school and those who plan to return to school after academic breaks.

4 Verification of Migrant Income

Although documentary verification is not always available from the earnings of migrant households, verification of earnings may be obtained through a variety of sources which include, but are not limited to, Employment Development Department, Farm Labor Bureau, Rural Manpower Development, Farmer's Cooperative Service, grower's associations, migrant service organizations, the county agent, the individual growers and crew chiefs. In the case of applicant households having no income the county shall, at a minimum, verify through collateral contact that such households have zero income at the time of application. A collateral contact might include, but is not limited to, any of the following: an employer who might verify the migrant household had not received wages at the new county of application before the day of application, a friend or neighbor who can give a reasonable account of a household's financial situation, or a letter in the possession of the applicant household from a previous employer. If the applicant indicates that he/she will be working for various growers or crew chiefs, a calendar form providing space for recording each day's income and hours worked, together with a space for the signature of the grower or crew chief to validate such information, may be provided the household for presentation at the next certification.

5 Verification of Migrant Resources

Special care should be taken in dealing with migrants to determine if there are out-of-state resources or income from real property in the home base area. For example, a migrant who claims Texas as a home base area and who is applying for food stamps in California, should be questioned as to the availability of resources in Texas as well as California.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2326 MIGRANT SEASONAL FARM LABORERS (Continued)

63-2326

Particular attention should be paid to real property in the home base area. Each applicant household is permitted one home (including the lot) as an exemption from resources. In the example above, if the applicant does not own a residence in California, the Texas home will be exempted as a resource. Shelter adjustments, however, may only be calculated by using the costs of housing the recipients currently occupy. A payment made for shelter in another project area cannot be taken into consideration in computing the shelter deduction.

Additionally, the EW should explore the possibility that out-of-state real property is being rented or is producing income in some way. If such property is producing income, such income must be added to all other nonexempt household income in determining the eligibility and basis of issuance.

.6 Work Registration of Migrants

Employable members of migrant households who are not employed at least 30 hours a week must register for and accept suitable employment in the same manner as other Food Stamp Program participants. The county may wish to make contacted growers aware of the fact that migrants are being registered with the Employment Development Department (EDD) and that they can obtain workers there.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE


(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed on December 1, 1977, after its filing with the Secretary of State:

63-2626 (Migrant Seasonal Farm Laborers)

There are no additional costs associated with this package.

Approved:


Marion J. Woods, Director
Department of Benefit Payments

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77-33

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

OCT 5 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Info 11380.2)

OCT 5 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: _____

By: Mahon J. Wood

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 5 - 1977

At 2:02 o'clock P.M.

MARCH FONG EU, Secretary of State

By: Maryjane R. Hershberger
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 18904, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on December 1, 1977 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 63-3200

These regulations implement, interpret and make specific Section 18904 of the Welfare and Institutions Code.

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**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-3200 TABLES OF COUPON ISSUANCE

63-3200

.1 For Issuance to Households of Up to 20 Persons Use the Following Tables:

State of California
Health and Welfare Agency

Department of Benefit Payments
July 1, 1972
Table 1

**FOOD STAMP PROGRAM
Monthly**

COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME) AND BONUS STAMPS

Household Size	1	2	3	4	5
Coupon Allotment	\$52	\$94	\$134	\$170	\$202
Adjusted Monthly Net Income	Monthly Purchase	Monthly Purchase	Monthly Purchase	Monthly Purchase	Monthly Purchase
\$ 0- 19.99	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
20- 29.99	1	1	0	0	0
30- 39.99	4	4	4	4	5
40- 49.99	6	7	7	7	8
50- 59.99	8	10	10	10	11
60- 69.99	10	12	13	13	14
70- 79.99	12	15	16	16	17
80- 89.99	14	18	19	19	20
90- 99.99	16	21	21	22	23
100- 109.99	18	23	24	25	26
110- 119.99	21	26	27	28	29
120- 129.99	24	29	30	31	33
130- 139.99	27	32	33	34	36
140- 149.99	30	35	36	37	39
150- 159.99	33	38	40	41	42
170- 189.99	39 2/	44	46	47	48
190- 209.99	40	50	52	53	54
210- 229.99	42	56	58	59	60
230- 249.99	42	62	64	65	66
250- 269.99	42 1/	68	70	71	72
270- 289.99		74	76	77	78
290- 309.99		74	82	83	84
310- 329.99		74	88	89	90
330- 359.99		74 1/	94	95	96
360- 389.99			103	104	105
390- 419.99			112	113	114
420- 449.99			116	122	123
450- 479.99			116 1/	131	132
480- 509.99				140	141
510- 539.99				146	150
540- 569.99				146 1/	159
570- 599.99					168
600- 629.99					174
630- 659.99					174
660- 589.99					174 1/
690- 719.99					

**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-3200 TABLES OF COUPON ISSUANCE (Continued)

63-3200

State of California
Health and Welfare Agency

Department of Benefit Payments
July 1, 1977
Table 2

**FOOD STAMP PROGRAM
THREE QUARTER-MONTHLY
COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME)**

Household Size	1	2	3	4	5
Coupon Allotment.	\$39	\$71	\$101	\$128	\$152
Adjusted Monthly Net Income	Three Quarter-Monthly Purchase	Three Quarter-Monthly Purchase	Three Quarter-Monthly Purchase	Three Quarter-Monthly Purchase	Three Quarter-Monthly Purchase
\$ 0- 19.99	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
20- 29.99	0.75	0.75	0.00	0.00	0.00
30- 39.99	3.00	3.00	3.00	3.00	3.75
40- 49.99	4.50	5.25	5.25	5.25	6.00
50- 59.99	6.00	7.50	7.50	7.50	8.25
60- 69.99	7.50	9.00	9.75	9.75	10.50
70- 79.99	9.00	11.25	12.00	12.00	12.75
80- 89.99	10.50	13.50	14.25	14.25	15.00
90- 99.99	12.00	15.75	15.75	16.50	17.25
100- 109.99	13.50	17.25	18.00	18.75	19.50
110- 119.99	15.75	19.50	20.25	21.00	21.75
120- 129.99	18.00	21.75	22.50	23.25	24.75
130- 139.99	20.25	24.00	24.75	25.50	27.00
140- 149.99	22.50	26.25	27.00	27.75	29.25
150- 169.99	24.75	28.50	30.00	30.75	31.50
170- 189.99	29.25	33.00	34.50	35.25	36.00
190- 209.99	30.00	37.50	39.00	39.75	40.50
210- 229.99	31.50	42.00	43.50	44.25	45.00
230- 249.99	31.50	46.50	48.00	48.75	49.50
250- 269.99	1/	51.00	52.50	53.25	54.00
270- 289.99		55.50	57.00	57.75	58.50
290- 309.99		55.50	61.50	62.25	63.00
310- 329.99		55.50	66.00	66.75	67.50
330- 359.99		1/	70.50	71.25	72.00
360- 389.99			77.25	78.00	78.75
390- 419.99			84.00	84.75	85.50
420- 449.99			87.00	91.50	92.25
450- 479.99			1/	98.25	99.00
480- 509.99				105.00	105.75
510- 539.99				109.50	112.50
540- 569.99				109.50	119.25
570- 599.99				1/	126.00
600- 629.99					130.50
630- 659.99					130.50
660- 689.99					130.50
690- 719.99					1/

1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

Maximum Allowable Adjusted Monthly Net Income															
Household Size	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Adjusted Monthly Net Income	\$262	344	447	567	673	807	893	1020	1147	1274	1401	1528	1655	1782	1909
Household Size	16	17	18	19	20										
Adjusted Monthly Net Income	2036	2163	2290	2417	2544										

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-3200 TABLES OF COUPON ISSUANCE (Continued)

63-3200

State of California
Health and Welfare Agency

Department of Benefit Payments

July 1, 1977

Table 3

FOOD STAMP PROGRAM

SEMIMONTHLY

COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME) AND BONUS STAMPS

Household Size	1	2	3	4	5
Coupon Allotment	\$26	\$47	\$67	\$85	\$101
Adjusted Monthly Net Income	Semimonthly Purchase	Semimonthly Purchase	Semimonthly Purchase	Semimonthly Purchase	Semimonthly Purchase
\$ 0- 19.99	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
20- 29.99	0.50	0.50	0.00	0.00	0.00
30- 39.99	2.00	2.00	2.00	2.00	2.50
40- 49.99	3.00	3.50	3.50	3.50	4.00
50- 59.99	4.00	5.00	5.00	5.00	5.50
60- 69.99	5.00	6.00	6.50	6.50	7.00
70- 79.99	6.00	7.50	8.00	8.00	8.50
80- 89.99	7.00	9.00	9.50	9.50	10.00
90- 99.99	8.00	10.50	10.50	11.00	11.50
100- 109.99	9.00	11.50	12.00	12.50	13.00
110- 119.99	10.50	13.00	13.50	14.00	14.50
120- 129.99	12.00	14.50	15.00	15.50	16.50
130- 139.99	13.50	16.00	16.50	17.00	18.00
140- 149.99	15.00	17.50	18.00	18.50	19.50
150- 169.99	16.50	19.00	20.00	20.50	21.00
170- 189.99	19.50	22.00	23.00	23.50	24.00
190- 209.99	20.00	25.00	26.00	26.50	27.00
210- 229.99	21.00	28.00	29.00	29.50	30.00
230- 249.99	21.00	31.00	32.00	32.50	33.00
250- 269.99	1/	34.00	35.00	35.50	36.00
270- 289.99		37.00	38.00	38.50	39.00
290- 309.99		37.00	41.00	41.50	42.00
310- 329.99		37.00 1/	44.00	44.50	45.00
330- 359.99			47.00	47.50	48.00
360- 389.99			51.50	52.00	52.50
390- 419.99			56.00	56.50	57.00
420- 449.99			58.00	61.00	61.50
450- 479.99			1/	65.50	66.00
480- 509.99				70.00	70.50
510- 539.99				73.00	75.00
540- 569.99				73.00 1/	79.50
570- 599.99					84.00
600- 629.99					87.00
630- 659.99					87.00
660- 689.99					87.00 1/
690- 719.99					

1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

Maximum Allowable Adjusted Monthly Net Income															
Household Size	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Adjusted Monthly Net Income	\$262	344	447	567	673	807	893	1020	1147	1274	1401	1528	1655	1782	1909
Household Size	16	17	18	19	20										
Adjusted Monthly Net Income	2036	2163	2290	2417	2544										

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-3200 TABLES OF COUPON ISSUANCE (Continued)

63-3200

State of California
Health and Welfare Agency

Department of Benefit Payments
July 1, 1977
Table 4

FOOD STAMP PROGRAM

Quarter-Monthly

COUPON ALLOTMENTS, PURCHASE REQUIREMENTS (BASED ON MONTHLY ADJUSTED NET INCOME)

Household Size	1	2	3	4	5
Coupon Allotment	\$13	\$24	\$34	\$43	\$51
Adjusted Monthly Net Income	Quarter-Monthly Purchase	Quarter-Monthly Purchase	Quarter-Monthly Purchase	Quarter-Monthly Purchase	Quarter-Monthly Purchase
\$ 0- 19.99	\$0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
20- 29.99	0.25	0.25	0.00	0.00	0.00
30- 39.99	1.00	1.00	1.00	1.00	1.25
40- 49.99	1.50	1.75	1.75	1.75	2.00
50- 59.99	2.00	2.50	2.50	2.50	2.75
60- 69.99	2.50	3.00	3.25	3.25	3.50
70- 79.99	3.00	3.75	4.00	4.00	4.25
80- 89.99	3.50	4.50	4.75	4.75	5.00
90- 99.99	4.00	5.25	5.25	5.50	5.75
100- 109.99	4.50	5.75	6.00	6.25	6.50
110- 119.99	5.25	6.50	6.75	7.00	7.25
120- 129.99	6.00	7.25	7.50	7.75	8.25
130- 139.99	6.75	8.00	8.25	8.50	9.00
140- 149.99	7.50	8.75	9.00	9.25	9.75
150- 159.99	8.25	9.50	10.00	10.25	10.50
170- 189.99	9.75	11.00	11.50	11.75	12.00
190- 209.99	10.00	12.50	13.00	13.25	13.50
210- 229.99	10.50	14.00	14.50	14.75	15.00
230- 249.99	10.50	15.50	16.00	16.25	16.50
250- 269.99	1/	17.00	17.50	17.75	18.00
270- 289.99		18.50	19.00	19.25	19.50
290- 309.99		18.50	20.50	20.75	21.00
310- 329.99		18.50	22.00	22.25	22.50
330- 359.99		1/	23.50	23.75	24.00
360- 389.99			25.75	26.00	26.25
390- 419.99			28.00	28.25	28.50
420- 449.99				30.50	30.75
450- 479.99			29.00	32.75	33.00
480- 509.99			1/	35.00	35.25
510- 539.99				36.50	37.50
540- 569.99				36.50	39.75
570- 599.99				1/	42.00
600- 629.99					43.50
630- 659.99					43.50
660- 689.99					43.50
					1/

1/ For any eligible household with higher adjusted monthly net income use maximum purchase requirement listed.

Household Size	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Adjusted Monthly Net Income	\$262	344	447	567	673	807	893	1020	1147	1274	1401	1528	1655	1782	1909
Household Size	16	17	18	19	20										
Adjusted Monthly Net Income	2036	2163	2290	2417	2544										

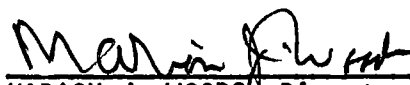
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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no state mandated costs to local government in these regulations that require reimbursement under Section 2231 of the Revenue and Taxation Code because the regulation merely affirms for the State that which has been declared existing law or regulation through action by the Federal government.


Approved:


MARION J. WOODS, Director
Department of Benefit Payments

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on July 5, 1977, concerning Cost-of-Living Revisions to Food Stamp Purchase Requirement, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Department of Benefit Payments

By 
MARION J. WOODS, Director

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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OCT 11 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING

(Gov. Code 11380.2)

OCT 11 1977

Office of Administrative Hearings

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: October 3, 1977

By:

Marvin F. Wood

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 11 1977

At 1:36 o'clock P.M.

MARCH FONG EU, Secretary of State

By:

Phen Indach

Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on November 1, 1977 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 46-425.22b
46-425.24a

REFERENCE: These amendments are necessary to comply with the judgment in the case of Snyder v. Obledo, Sacramento County Superior Court No. 256674.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

.22 Continued

- b. Expenditures for repairs under Section 46-425.22 (or under the previous Unmet Shelter Needs allowance) have not been previously allowed on the same property.

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

.24 Continued

- a. If the recipient or recipient couple is moving to rental housing, payment up to \$300 may be allowed under this section and shall be limited to:

- (1) required utility deposits;
- (2) first and last month's rental; and
- (3) cleaning fees and/or security deposits.

This payment shall be allowed in addition to the moving allowance specified in Section 46-425.23.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no costs associated with these revisions.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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OCT 21 1977

Office of Administrative Hearings

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APPROVED FOR FILING
(Code 11380.2)

OCT 21 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: October 18, 1977

By: *Malcolm J. Woods*

Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

OCT 21 1977

10:26 a.m.
MARCH FONG EU, Secretary of State

By: *June E. Davajian*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 18904, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on January 1, 1978, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 63-2240.12
63-2264.5
63-2264.82
63-2264.84
63-2328

RENUMBER: Section 63-2262.11
63-2262.12
63-2262.13
63-2262.14
63-2262.15
63-2262.16

ADOPT: Section 63-2262.10
63-2263.10

These regulations implement, interpret, and make specific sections 18901 and 18904 of the Welfare and Institutions Code.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2240 STUDENT TAX DEPENDENCY (Continued)

63-2240

.12 A "institution of higher education" is defined as any educational institution recognized (such as, but not limited to licensed, accredited, etc.) by a federal, state or local governmental agency and providing post-high school education. Some examples include colleges, universities, and vocational and technical schools at the post-high school level.

63-2262 NONEXCLUDED INCOME (Continued)

63-2262

.10 Representative Payments

Payments to a household (such as those made in grant programs, e.g., RSDI, AFDC, etc.) which are managed by a third party because of reasons such as the household's inability to manage the payment will be counted as income to the third party unless excluded as income by Section 63-2263.10, Income Exclusions, Representative Payments. If such payments are excluded as income to the third party they shall be counted as income to the household.

.11 Vendor Payments

Identifiable payments in money, except those for medical costs and Housing and Urban Development (HUD) housing allowances and subsidies, made on behalf of the household by a person other than a member of the household. Such payments may be made by private or governmental sources. However, if the major benefit of such payment accrues to the person or agency making the payment and not to the household, such benefits shall be excluded as in-kind payments (see Section 63-2263.4).

.12 Prizes, Gifts, Awards

Money payments as prizes, gifts, or awards when such payments are received for the expenses of education, for support, or for maintenance. Such money payments when received for purposes other than education, support, or maintenance shall be excluded as lump sum payments under Section 63-2263.9. Noncash prizes, gifts, or awards are excludable as income in-kind under Section 63-2263.4.

.13 Roomer Payment

The total amount of a roomer's payment to the household.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2262 NONEXCLUDED INCOME (Continued)

63-2262

.14 Boarder Payment

The total amount of a boarder's payment to the household minus the value of a one-person coupon allotment. Individuals must qualify as a boarder under Section 63-2102.2. The deduction of a coupon allotment will then be allowed for each such boarder representing that portion of the boarder's payment required for the household to provide the boarder his food needs. Persons receiving meals and lodging but not making the minimum payment shall be treated as any other household member. Persons receiving board only but not making the minimum payment to qualify as boarders will, therefore, not be allowed the deduction of the coupon allotment, but will have their total payment to the household counted as household income.

.15 Income of Ineligible Aliens

Ineligible aliens excluded from the household as roomers or boarders shall have their payments to the household treated in the same manner as any other roomer or boarder payment, including the appropriate deduction for boarders in Section 63-2262.13. Ineligible aliens who are an integral part of the economic unit of the household shall have their total income minus a deduction for a one-person coupon allotment included as income to the household unless the household can demonstrate that such income is not accessible for their needs. The eligibility of households containing an ineligible alien should be determined in accordance with Section 63-2331.

.16 All Others

Payments received from government-sponsored programs such as Agricultural Stabilization and Conservation Service programs; rental income, dividends, interest, royalties, or similar recurring payments; payments received as an advance or reimbursement for work-related services; payments to the household from a wage earner absent from the household because of his job; or all other payments not specifically excluded in Section 63-2263 from any source whatever which may be construed to be a gain or benefit.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2263 INCOME EXCLUSIONS (Continued)

63-2263

.10 Representative Payments

Payments made to a third party food stamp household on behalf of a beneficiary household because of the beneficiary's inability to manage the payments shall be excluded as income to the third party food stamp household when the following conditions are demonstrated:

- a. the household for which the payments are intended is not a member of the third party's food stamp household. (If the third party is a member of the household for which the payments are intended the payment shall be counted once to the household.)
- b. the third party uses the payment only for care and maintenance of the household for which the payments are intended.
- c. the third party cannot use the payment for any purpose other than the care and maintenance of the household for which the payments are intended without legal liability.

Representative payments shall be included as income to the household for which the payments are intended when such payments are excluded as income to the third party, per Section 63-2262.10, Nonexcluded Income, Representative Payments.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2264 INCOME DEDUCTIONS (Continued)

63-2264

.5 Tuition and Mandatory Fees

Tuition and mandatory fees assessed by any educational institution recognized (such as, but not limited to, licensed, accredited, etc.) by a federal, state or local government agency are allowable whether or not an individual meets the definition of "student" as outlined in Section 63-2328. No deduction shall be allowed for any other educational expenses such as, but not limited to, the expense of books, school supplies, meals at school and transportation. Moreover, no deduction shall be permitted for educational expenses of the individual who is not a household member during the certification period in which the deduction is claimed.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2264 INCOME DEDUCTIONS

63-2264

.5 Tuition and Mandatory Fees (Continued)

.51 Tuition and mandatory fees for education, if paid by or for a student (as defined in Section 63-2328), should be averaged over the period which the expenses are intended to cover, even if that period is longer than the certification period. Moreover, tuition and mandatory fees paid by or for a student covering the period of certification should be considered as hardship deductions of which a prorated share is applicable to the certification period even if they are paid prior to the certification period.

For additional instructions on determining eligibility of households including students, see Section 63-2328.

.52 Tuition and mandatory fees for education, if paid by or for an individual who does not meet the definition of a "student" as outlined in Section 63-2328, shall be allowed in full if paid during the certification period. Such a deduction should either be allowed in the month paid or averaged over the certification period.

.53 Tuition and mandatory fees paid for mail, self-study or correspondence courses conducted by an educational institution recognized (such as, but not limited to, licensed, accredited, etc.) by a federal, state or local governmental agency shall be handled in accordance with Section 63-2264.51 above if the individual taking the course, irrespective of his/her enrollment in a mail, self-study, or correspondence course, meets the definition of a student as provided in Section 63-2328. If the individual does not meet the definition of a student, tuition and mandatory fees shall be allowed in accordance with Section 63-2264.52.

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(Pursuant to Government Code Section 11380.1)

63-2264 INCOME DEDUCTIONS (Continued)

63-2264

.82 Shelter costs will include only the following:

.821 Payments made on the shelter occupied by the household, whether such payment is made as rent, mortgage, or other payment leading to the ownership of such shelter, including interest on such payments. This shall include first and last month's rent when paid or expected to be paid during the certification period.

.822 Payments for heating, cooking fuel, electricity, water and sewer, garbage and trash collection fees _____, whenever such payments are made separately from shelter payments in .821 above.

.823 A state standard telephone deduction of \$6.00 to be used only in instances where the household has a telephone. However, if the household's actual telephone service fee is greater than the \$6.00 standard rate, and it represents the lowest available rate to the household, the household may request to have the actual service fee used. The household must be able to verify the actual cost claimed.

.824 Property taxes, state and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings. However, payments for homeowners insurance are generally includable as shelter costs since homeowner insurance packages do not ordinarily "break out" the separate cost component of insuring the structure from the other coverages provided. The only circumstance in which the entire homeowners premium could not be allowed is when the separate cost of insuring the structure only is clearly identified on the policy, invoice, or other insurance company document. The prudent EW will establish that such separate costs are not clearly identifiable before allowing a deduction for an entire homeowner's insurance premium.

.825 Any of the above costs when paid by vendor payments which were included as income.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2264 INCOME DEDUCTIONS (Continued)

63-2264

.84 The county may develop, subject to DBP approval, standard utility allowances for use in calculating shelter costs. If the county elects to develop standard utility allowances, different utility allowances shall be developed to reflect seasonal variations (e.g., summer rates as opposed to winter rates) unless the county can demonstrate that such variations do not warrant separate allowances. In addition, the county may develop more than one standard allowance to reflect other types of variations (e.g., different standards for urban and rural areas).

Each standard allowance will list separately the average monthly costs in the county of the following utilities: gas, electricity, heating oil (if applicable), wood (if applicable), sewer, water, garbage, and the telephone standard (See Section 63-2264.823).

The separate listing is required because not every household uses or has to pay directly for all of the above utilities. For example, the costs of water and garbage are often included in the rental charge. This separate listing allows the county to apply to each household only those utility costs that they pay directly to the utility company. Local utility companies should be contacted to obtain the necessary documentation for the allowance, and this back-up documentation must be submitted to the Department of Benefit Payments in support of the proposed standard allowance. The standard allowances as approved by Department of Benefit Payments will be used to determine shelter costs for all households (Food Stamp Certification and Verification Work Sheet Form DFA 285.2, Item C, number 9b), except when an individual household can verify by presentation of paid bills for previous months that its actual utility costs are higher than the sum of the applicable standard allowances and can reasonably be predicted to continue to be higher through the certification period, in which case the household's actual costs will be used to determine utility costs. The household may make this request at the time of initial application and at any subsequent certification; however, households shall not be permitted to switch between the actual costs and the standard allowance or vice versa, during a certification period. In addition, under no circumstances will the county allow the household to mix their actual costs with those of the standard allowances.

The standard utility allowances will be reviewed by the county on an annual basis for possible revision to take into account discrepancies found by Quality Control, County Welfare Department surveys of utility companies, or other methods developed by the county and approved by the Department of Benefit Payments.

Verification shall be required only when the household's total reported utility costs exceed the established and approved county standard.

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**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-2328 STUDENTS

63-2328

Students as a rule have extremely uneven cash flows and have sources of income not normally available to other households. Therefore, students require special procedures for the handling of income and determining eligibility. While such procedures are of primary importance in the certification of households consisting solely of students or where the student is the household head, the principles are equally applicable to households where the student is a dependent member.

A student is defined as an individual attending at least half-time (as determined by the institution) any educational institution recognized (such as, but not limited to licensed, accredited, etc.) a federal, state, or local governmental agency. Such institutions include any private or public kindergarten, pre-school, grade school, high school, vocational school, technical school, training program, college, or university. Enrollment in a mail, self-study, or correspondence course does not qualify such person as a student although tuition and mandatory fees paid for such courses may qualify as a deduction in accordance with Section 63-2264.53.

A student's status is not altered during temporary periods of time in which the school is not in session, such as summer vacations or semester breaks, provided he is enrolled for the next regular session. Students as such are exempt from the work registration requirement. Moreover, students under 18 years of age are granted an exemption for any income earned through employment or self-employment, except where the student is emancipated or is living alone.

A student who is 18 years of age or older and enrolled at least half-time in an institution of higher education is required to meet the tax dependency criteria for eligibility in Section 63-2240 before he can be certified under the procedures outlined in Section 63-2328. The EW shall certify only students who are either (1) not properly claimed tax dependents; or (2) properly claimed tax dependents, claimed by households which are (a) currently certified to participate in the Food Stamp Program or Food Distribution Program, AFDC (or OAA, AB or APTD in those states which have retained such programs); SSI, or a general assistance program, or (b) able to demonstrate that their household meets the income and resource standards applicable to nonassistance households.

Students have unusual sources of income. Income peculiar to student households would include scholarships, fellowships, educational grants, deferred payment loans, veteran's educational benefits, cash gifts or awards for educational expenses, and cash or vendor payments from parents. Such sources of income result in an uneven cash flow. The payments are, generally speaking, received in one payment but are intended to cover a specific period of time: a semester, school-year, etc. Likewise, the major expenses of education — tuition and mandatory fees — are also paid at one time, again emphasizing the uneven cash flow.

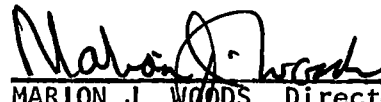
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(Pursuant to Government Code Section 11380.1)

No increased costs of any type were identified in these regulations.

Approved:


MARION J. WOODS, Director
Department of Benefit Payments

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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ENDORSEDAPPROVED FOR FILING
Gov. Code 11380.2)

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: October 27, 1977

By: *William F. Wood*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 31 1977

At 11:38 o'clock *A* M.

MARCH FONG EU, Secretary of State

By *Phyllis S. Sundeel*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on **December 1, 1977**, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 11-501.4 through .9

This regulation change implements, interprets and makes specific Welf. & Inst. Code Sections 10600 and 16502.5.

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(Pursuant to Government Code Section 11380.1)

11-501 INCOME MAINTENANCE RESPONSIBILITIES (Continued)

11-501

.4 Referrals for Social Services

Income maintenance staff shall be continuously responsible for identification of the possible need for services assessment. Referral with the knowledge and consent of the client shall always be made promptly upon initial identification of any one of the following conditions:

.41 Service is requested by the client.

.42 Information on the client's Statement of Facts (CA 2) provides clues as to a need for services.

.43 A child or adult is in out-of-home care.

.44 There appear to be physical or mental handicaps or unmet medical needs which limit an individual's ability to care for himself or to manage his affairs.

.45 The individual is on leave of absence from a state hospital.

.46 There is an out-of-wedlock pregnancy or an out-of-wedlock birth within the past two years.

.47 An individual appears to be in need of help in handling his feelings about establishing eligibility or need.

.48 There are indications the individual will need assistance in arranging for screening services for children under the Child Health Disability Prevention (CHDP) Program or in overcoming fears of medical treatment, understanding the importance of preventive health or in arranging for transportation, child care services or other services to enable the individual to take advantage of CHDP Benefits.

.5 All other staff of the county welfare department have similar responsibility to refer to the service system any individual coming to its attention who meets the conditions in .4 above.

.6 The responsibility of the eligibility worker in relation to services ceases at the point at which referrals are made under conditions listed in .4 above.

.7 All referrals for service assessment shall be made on a prescribed form whether initiated in person or by telephone.

.8 The county welfare department shall assure that adequate procedures exist for referral in relation to Fraud and Suspected Law Violations in accordance with Section 20-001, et seq.

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(Pursuant to Government Code Section 11380.1)

11-501 INCOME MAINTENANCE RESPONSIBILITIES (Continued)

11-501

.9 Referrals for Child Abuse and Neglect

Referrals for child abuse and neglect are mandatory and may be made without the knowledge or consent of the relative or other person with whom the child is residing.

.91 Income maintenance staff shall refer to protective services whenever they suspect a child is being abused, neglected or exploited or that the home in which the child is living is unsuitable. See Department of Health regulations Section 30-102 for criteria for referral.

.92 Income Maintenance staff shall cooperate with ^{protective services,} the court, or other agency in planning or implementing action in the best interest of the child.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because this regulation merely affirms for the State that which has been declared existing law or regulation through action by the Federal Government.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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474-31

FACE SHEET
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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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OCT 31 1977

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Copy below is hereby certified to be a true
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amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: October 27, 1977

By: *Mahon J. Wood*

Title

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 31 1977

At 10:38 o'clock *A* M.

MARCH FONG EU, Secretary of State

By *Phen Dudesch*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on January 1, 1978 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 44-133.3

This regulation implements, interprets and makes specific § 11450 of the Welfare and Institutions Code.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC | .3 Income in Cases in Which _____ a Parent or Other _____ Caretaker Has Been

Excluded from the FBU

.31 If a parent _____ living in the home is excluded
from the Family Budget Unit for reasons other than being a recipient
of another aid program, a portion of his/her income _____
_____ is income to the Family Budget Unit. This portion is
determined as follows: _____

.311 From the income subtract all deductions allowed in Section 44-113,
Net Income. The \$30 and 1/3 exemption does not apply.

.312 Subtract the maximum aid for the number of persons in the FBU,
excluding the parent, from the maximum aid for the persons in
the FBU, including the parent. To this difference add any
allowable special needs for the excluded parent / _____ if such needs are verified.

.313 Subtract the figure determined in .312 from income determined
in .311 above. The remaining amount is income to the FBU.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

Example: A parent with earned income is excluded from the FBU which
formerly consisted of the parent and three children.
Monthly gross earned income is \$350. Involuntary deduction
and work-related expenses amount to \$150.

Gross Income	\$350
Deductions, Work-Related Expenses	- 150
Net Income	\$200
 MAP for 4	 \$423
MAP for 3	- 356
MAP Differential	\$ 67
Verified Special Needs	+ 2
	\$ 69
 Net Income	 \$200
MAP Differential + Verified Special Needs	- 69
Income to FBU	\$131
 MAP for 3	 \$356
Income to FBU	- 131
Grant	\$225

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- .32 The amount by which a nonneedy relative, other than a parent with whom the child lives, is able and willing to meet the child's needs is income to the Family Budget Unit.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no costs to any unit of local government in these regulations.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Gov. Code 11380.2)

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: November 1, 1977

By: *Mahen J. Woods*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 1 - 1977

At 10:34 o'clock A.M.

MARCH FONG EU, Secretary of State

By: *Rhea Duda*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

ADOPT: Section 50-005.3

These regulations implement, interpret, and make specific Welfare and Institutions Code Section 18901.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11320.1)

The following facts constitute the emergency:

1. The Ninth Circuit Court of Appeals has extended the retroactive provisions of the District Court's decision in the case of Anderson v. Butz.
2. In order to implement the decision of the court, retroactive payments must be made to eligible food stamp applicants and recipients for whom Housing and Urban Development (HUD) housing allowances and subsidies were considered income since December 1, 1974.
3. So that those food stamp households deprived of their rightful benefits may receive them as quickly as possible, these regulations are adopted as an emergency.

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because it complies with an order of the court.

The regulation changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

50-005 ANDERSON V. BUTZ (Continued)

50-005

.3 On June 1, 1976 the Department of Benefit Payments implemented regulations complying with the court decision in Anderson v. Butz to provide retro-active payments to food stamp recipients from October 8, 1975. The court has now extended the retroactive provision to August 5, 1974. However, since California did not include HUD housing allowances and subsidies as income until December 1, 1974, this date will be used in complying with the court order to extend the retroactive provisions.

All persons who received retroactive benefits pursuant to Sections 50-005.1 and .2 for the period between October 8, 1975 and the present shall be entitled to additional benefits, if otherwise eligible, for the period from December 1, 1974 through October 8, 1975.

Those persons who may have been denied benefits or had them terminated in the period from December 1, 1974 to October 8, 1975 may be entitled to benefits, if otherwise eligible, from the date of application or termination until the present.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

50-005 ANDERSON V. BUTZ (Continued)

50-005

- .31 Counties shall notify all households which may be entitled to either retroactive benefits or refunds (whichever is applicable according to the household's circumstances) because of the inclusion of HUD housing allowances and subsidies as income in the computation of their food stamp benefits for the period December 1, 1974 to the present. Notification to households presently participating in the Food Stamp Program shall be provided by the county at time of recertification. Notice to households not presently participating but which may be eligible for retroactive benefits or refunds due to their having participated or applied for participation on or after December 1, 1974 shall be provided by the county through the news media; and
- .32 Counties shall provide retroactive benefits or refunds, as appropriate, for households which, on or after December 1, 1974 received no food stamp benefits or less food stamp benefits than they were otherwise entitled to because their HUD housing allowances or subsidies were included in the computation of their food stamp benefits. In determining the amount of retroactive food stamp benefits to which a household is entitled, the HUD housing allowances and subsidies shall not be considered as household income and shall not be considered in computing excess shelter costs. Counties will disburse refunds or retroactive benefits, as appropriate, in the following manner:
- .321 Any household denied or terminated from eligibility and which is currently participating in the program will receive 100 percent of the coupon allotment to which it is entitled at a zero purchase requirement until the retroactive benefits due are exhausted. The benefits made available to the household will then revert to the purchase requirements prescribed by the certification.

Example 1

A single-person household with a current purchase requirement of \$24 is owed a credit of \$40. It would be issued the usual one-person household allotment of \$50 in stamps the first month with a zero purchase requirement. During the second month, the household would receive a \$50 allotment with a purchase requirement of \$8. During the third month, the purchase requirement would revert to the usual \$24 since the full amount of retroactive benefits would have been restored.

Example 2

A single-person household with a current purchase requirement of \$24 is owed a credit of \$20. It would be issued \$50 worth of stamps with a \$4 purchase requirement. The purchase requirement would revert to the usual \$24 in the second month since the full amount of retroactive benefits would have been restored.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

50-005 ANDERSON V. BUTZ (Continued)

50-005

- .322 Affected households which have been denied or terminated from eligibility and which are currently eligible for participation with a zero purchase requirement will receive 150 percent of the coupon allotment to which they are entitled until retroactive benefits are exhausted. (This principle is applicable only to HUD benefits in specific implementation of the decision in this suit and cannot be applied to retroactive adjustments for other reasons.) Benefits made available to such households will then revert to the coupon allotments prescribed by the certification.

Example 1

A single-person household which previously had a purchase requirement and which is now at zero purchase is owed a credit of \$40. It would be issued \$75 in stamps the first month (entitled to \$50 ordinarily). The other \$25 is retroactive benefits. During the second month, the household, still at zero purchase, would be issued \$65 in stamps (entitled to \$50 ordinarily). The other \$15 is the remainder of retroactive benefits.

Example 2

A single-person household at zero purchase is owed a credit of \$20. It would be issued \$70 in stamps (entitled to \$50 ordinarily). The \$20 remainder is the total of retroactive benefits.

- .323 Households which have been denied or terminated from eligibility due to receipt of HUD subsidies but which are currently ineligible for participation in the program will receive 100 percent of the coupon allotment to which they would be entitled if they were currently eligible. The allotment will be made with a zero purchase requirement. However, the amount of benefits received will in no case exceed the amount of benefits previously denied. When the total amount of retroactive benefits has been restored, such households will be dropped from the program if they are still ineligible.

Example 1

A single-person household is owed a credit of \$35. It would be issued \$35 worth of stamps at zero purchase and would then be dropped from the program.

Example 2

A single-person household is owed a credit of \$55. During the first month, it would be issued \$50 worth of stamps at zero purchase. During the second month, it would be issued only the remaining \$5 of its retroactive benefit entitlement and would then be dropped from the program.

- .324 Households which are or have been participating in the program at an increased purchase requirement due to the inclusion of HUD vendor payments as income are entitled to a refund for such overcharge. Such refund shall be made in accordance with procedures in Manual Section 63-4212.

Example

The inclusion of a HUD vendor payment in a household's budget computation, while not rendering the household ineligible, did raise the purchase requirement from \$10 to \$26 for the months of December 1974 through September 1975. Since the household was overcharged \$16 in each of ten months, it would be entitled to a cash refund of \$160.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

50-005 ANDERSON V. BUTZ (Continued)

50-005

.325 An affidavit format (see Exhibit 50-005B) has been developed for use in determining eligibility and level of participation for those households which were found ineligible on or after December 1, 1974 because HUD vendor payments were included as income. Such affidavit must be used for all instances in which retroactive benefits are to be made available to households (as a result of the provisions of Section 50-005.3) whether or not such households are currently participating. However, no affidavit need be completed for any month in which the household was on food stamps. The purpose of the affidavit is to determine what the purchase requirement should have been had the recipient been participating. The affidavit will allow such households to report the income, deductions, and resources of the household from the date of its original application to the current certification period. The information provided in the affidavit will be broken up into whatever certification periods the household would normally have been assigned and the EW will then recalculate the purchase requirement and coupon allotment with HUD vendor payments excluded as income.

Retroactive benefits determined to be due will be credited to the household and made available in accordance with .321, .322 or .323 above, whichever is applicable to the individual household circumstances. There will also be a provision in the affidavit which states that an applicant for retroactive benefits who makes any fraudulent claims therein will be subject to prosecution for fraud. The county may spot-check the affidavits and any available records for veracity. A different affidavit must be completed for each month in which there was a change in any household income or deductions of \$25 or more. Only the attached format may serve as the affidavit. Therefore, county reproduction will be necessary.

.326 Any household which is determined to be ineligible for a past certification period despite the exclusion of HUD vendor payments as income will not be eligible for retroactive benefits for that certification period or periods.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

50-005 ANDERSON V. BUTZ (Continued)

50-005

EXHIBIT 50-005 B AFFIDAVIT REQUESTING RETROACTIVE BENEFITS PURSUANT TO
ANDERSON V. BUTZ – PAGE 1 of 4

APPLICANT HOUSEHOLDS WHICH WERE DENIED OR REDUCED FOOD STAMP BENEFITS AFTER December 1, 1974, BECAUSE VENDOR PAYMENTS FROM HUD WERE INCLUDED IN FOOD STAMP NET INCOME ARE ENTITLED TO THE BENEFITS THAT WERE DENIED OR REDUCED THE FOLLOWING AFFIDAVIT WILL DETERMINE THE ELIGIBILITY AND AMOUNT OF LOST BENEFITS DUE.

DOCUMENTATION THAT VERIFIES THE MONTHLY AMOUNT OF THE HUD VENDOR PAYMENT RECEIVED SHOULD BE ATTACHED TO THIS AFFIDAVIT IF AVAILABLE.

A DIFFERENT AFFIDAVIT MUST BE COMPLETED FOR EACH MONTH IN WHICH THERE HAS BEEN A CHANGE IN ANY HOUSEHOLD INCOME OR DEDUCTIONS OF \$25 OR MORE.

CASE NUMBER _____

1. HEAD OF HOUSEHOLD _____
2. SOCIAL SECURITY NUMBER _____ 3. PHONE NO. _____
4. RESIDENCE ADDRESS _____
5. MAILING ADDRESS _____
6. DIRECTIONS TO HOME _____
7. PERIOD APPLICABLE TO THIS AFFIDAVIT (AFTER DECEMBER 1, 1974)

_____ TO _____

8. LIST ALL HOUSEHOLD MEMBERS EXCEPT ROOMERS, BOARDERS AND LIVE-IN ATTENDANTS:

	NAME	BIRTHDATE	RELATIONSHIP
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____
f.	_____	_____	_____
g.	_____	_____	_____
h.	_____	_____	_____

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

50-005 ANDERSON V. BUTZ (Continued)

50-005

EXHIBIT 50-005 B AFFIDAVIT REQUESTING RETROACTIVE BENEFITS PURSUANT TO
ANDERSON V. BUTZ - PAGE 2 of 4

9. RESOURCES: LIST BELOW THE RESOURCES OWNED BY THE HEAD OF THE HOUSEHOLD AND ANY OTHER HOUSEHOLD MEMBER. RESOURCES INCLUDE CASH, PROPERTY, ETC. THE RESOURCES MUST HAVE BEEN OWNED DURING THE PERIOD FOR WHICH THIS AFFIDAVIT IS BEING COMPLETED.

NAME	RESOURCES	VALUE	EQUITY
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

10. INCOME: INCOME INCLUDES, BUT IS NOT LIMITED TO PUBLIC OR GENERAL ASSISTANCE PAYMENTS, PENSION PAYMENTS, CASH GIFTS, AWARDS AND PRIZES, SELF-EMPLOYMENT INCOME, WAGES, DIVIDENDS AND INTEREST, ALIMONY, FARM INCOME, SCHOLARSHIPS, EDUCATIONAL LOANS, ETC.

NAME	SOURCE OF INCOME	GROSS AMOUNT	TAXES	DEDUCTIONS	
				SOC. SEC.	OTHER
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

11. DEDUCTIONS - MONTHLY

a. SHELTER EXPENSES

AMOUNT

(1) RENT \$ _____
LESS PAYMENT FROM HUD _____

TOTAL

\$ _____

(2) HEATING AND COOKING FUEL

(3) ELECTRICITY

(4) TELEPHONE

(5) WATER

(6) SEWAGE DISPOSAL FEES

(7) PROPERTY TAXES

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

50-005 ANDERSON V. BUTZ (Continued)

50-005

EXHIBIT 50-005 B AFFIDAVIT REQUESTING RETROACTIVE BENEFITS PURSUANT TO
ANDERSON V. BUTZ - PAGE 3 of 4

(8) HOUSE INSURANCE

(9) SPECIAL ASSESSMENTS

(10) TOTAL

\$ _____

b. MEDICAL EXPENSES

(1) PHYSICIAN & DENTAL SERVICES

(2) HOSPITAL OR NURSING CARE

(3) HEALTH INSURANCE/MEDICARE

(4) PRESCRIPTION DRUGS

(5) OTHERS (SPECIFY)

c. OTHER

(1) TUITION AND MANDATORY FEES

(2) CHILD CARE

(3) COURT ORDERED CHILD SUPPORT OR
ALIMONY

(4) REPLACEMENT OR REPAIR OF
PROPERTY DAMAGED OR LOST
THROUGH UNUSUAL CIRCUMSTANCES

(5) FUNERAL EXPENSES

(6) TOTAL

\$ _____

CERTIFICATION:

I CERTIFY THAT THIS AFFIDAVIT HAS BEEN EXAMINED BY ME (OR READ TO ME) AND THAT THE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AGREE TO COOPERATE FULLY WITH THE STATE AND FEDERAL PERSONNEL IN A QUALITY CONTROL REVIEW. I ALSO AGREE TO PROVIDE THE COUNTY FOOD STAMP OFFICE INFORMATION NECESSARY TO VERIFY ANY STATEMENTS GIVEN IN THIS APPLICATION AND HEREBY GIVE PERMISSION TO OBTAIN SUCH INFORMATION.

NONDISCRIMINATION - THIS AFFIDAVIT WILL BE CONSIDERED WITHOUT REGARD TO RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, OR POLITICAL BELIEF.

I UNDERSTAND THAT I HAVE A RIGHT TO A HEARING IF I AM NOT SATISFIED WITH THE ACTION TAKEN ON MY AFFIDAVIT BY THE FOOD STAMP OFFICE.

BEFORE YOU SIGN YOUR NAME GO BACK AND CHECK TO SEE THAT EACH ITEM THAT APPLIES TO YOUR HOUSEHOLD HAS BEEN ANSWERED CORRECTLY.

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

50-005 ANDERSON V. BUTZ (Continued)

50-005

EXHIBIT 50-005 B AFFIDAVIT REQUESTING RETROACTIVE BENEFITS PURSUANT TO
ANDERSON V. BUTZ – PAGE 4 of 4

PENALTIES FOR FRAUD: THE STATE AND FEDERAL LAW PROVIDES PENALTIES INCLUDING A FINE, IMPRISONMENT OR BOTH FOR PERSONS FOUND GUILTY OF OBTAINING FOOD STAMPS FOR WHICH THEY ARE NOT ELIGIBLE BY MAKING FALSE STATEMENTS.

ANYONE WHO AIDS ANOTHER PERSON TO OBTAIN FOOD STAMPS FRAUDULENTLY IS SUBJECT TO THE SAME PENALTIES.

SIGNATURE (HEAD OF HOUSEHOLD) _____ DATE _____

SIGNATURE (AUTHORIZED REPRESENTATIVE) _____ DATE _____

SIGNATURE OF WITNESS (IF APPLICANT SIGNED BY X) _____ DATE _____

SIGNATURE OF WITNESS (IF APPLICANT SIGNED BY X) _____ DATE _____

SIGNATURE OF PERSON HELPING TO COMPLETE FORM (IF ANY) _____ DATE _____

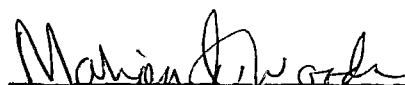
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because it complies with an order of the court.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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NOV 15 1977

Office of Administrative Hearings

ENDORSEDAPPROVED FOR FILING
(Gov. Code 11380.2)

NOV 15 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: November 7, 1977

By: *Marion J. Wood*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 15 1977 M

At 2:08 o'clock P.M.

MARION FONG EU, Secretary of State

By: *Margie R. Heschberger*
Deputy Secretary of State**DO NOT WRITE IN THIS SPACE**

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

AMEND: Section 42-213.2d
47-413.2d

These regulations implement, interpret, or make specific the provisions of Welfare and Institutions Code Section 11158.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Recent State legislation (Statutes of 1977, Chapter 734) was approved by the Governor and filed with the Secretary of State on September 12, 1977. It amends Welfare and Institutions Code Section 11158 effective January 1, 1978, by providing that for the purpose of evaluating the personal property of a public assistance recipient, the value of certain burial reserves, in the aggregate, shall be whatever amount exceeds \$1,000;
2. There is insufficient time to implement these regulation provisions of the Administrative Procedure Act; and
3. In order to ensure that needy families are allowed to retain the amounts of property authorized by law and continue to receive public assistance, it is necessary to adopt these regulations on an emergency basis.

The attached regulations are adopted on an emergency basis to become effective January 1, 1978, after filing with the Secretary of State.

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH
 MAY BE RETAINED (Continued)**

42-213

.2 Continued

d. Up to \$1,000 of amounts paid, in the aggregate, for the following burial reserves:

- (1) Money or securities placed in an irrevocable trust for funeral, cremation or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

An irrevocable trust, within the meaning of this section is a written agreement between the applicant or recipient and the trustee(s) which expressly provides that the trust agreement is irrevocable, and that the trustee obligates himself to apply the money held in trust for the funeral, cremation or interment of the applicant or recipient.

Trustees mentioned in Section 7736 of the Business and Professions Code are limited to:

- (a) A banking institution or trust company legally authorized and empowered by the State of California to act as trustee in the handling of trust funds.

or

- (b) Not less than three persons, one of whom may be an employee of the funeral director who is entering into a Preneed Funeral Arrangement as provided in Business and Professions Code Sections 7735 through 7742.

- (2) Life or burial insurance purchased specifically for funeral, cremation or interment expenses which is placed in an irrevocable trust or which has no loan or cash value available to the insured during his lifetime. Included are:

- (a) An insurance policy on the life of the applicant payable to a beneficiary who has irrevocably agreed to apply the proceeds from the insurance for funeral, cremation or interment of the insured.

- (b) An insurance policy which is payable on death to the estate of the insured and thus, in effect, becomes a resource earmarked for burial.

- (3) Securities issued by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation or interment expenses.

In addition to the foregoing, the value of an interment plot, vault or crypt, retained for use of the owner, is also excluded from consideration as personal property and is not subject to the \$1,000 disregard specified above.

Burial reserves excluded from consideration as personal property under this section are considered to be separate property of the person for whose use they are intended.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-413 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY
BE RETAINED (Continued)

47-413

.2 Continued

d. Up to \$1,000 of amounts paid, in the aggregate, for the following
burial reserves:

- (1) Money or securities placed in an irrevocable trust for funeral, cremation or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

An irrevocable trust, within the meaning of this section is a written agreement between the applicant or recipient and the trustee(s) which expressly provides that the trust agreement is irrevocable, and that the trustee obligates himself to apply the money held in trust for the funeral, cremation or interment of the applicant or recipient.

Trustees mentioned in Section 7736 of the Business and Professions Code are limited to:

- (a) A banking institution or trust company legally authorized and empowered by the State of California to act as trustee in the handling of trust funds.

or

- (b) Not less than three persons, one of whom may be an employee of the funeral director who is entering into a Preneed Funeral Arrangement as provided in Business and Professions Code Sections 7735 through 7742.

- (2) Life or burial insurance purchased specifically for funeral, cremation or interment expenses which is placed in an irrevocable trust or which has no loan or cash value available to the insured during his lifetime. Included are:

- (a) An insurance policy on the life of the applicant payable to a beneficiary who has irrevocably agreed to apply the proceeds from the insurance for funeral, cremation or interment of the insured.

- (b) An insurance policy which is payable on death to the estate of the insured and thus, in effect, becomes a resource earmarked for burial.

- (3) Securities issued by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation or interment expenses.

In addition to the foregoing, the value of an interment plot, vault or crypt, retained for use of the owner, is also excluded from consideration as personal property and is not subject to the \$1,000 disregard specified above.

Burial reserves excluded from consideration as personal property under this section are considered to be separate property of the person for whose use they are intended.

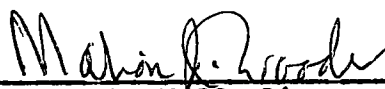
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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no costs associated with these regulations.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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NOV 22 1977

Office of Administrative Hearings

ENDORSEDAPPROVED FOR FILING
(Gov. Code 11380.2)

NOV 22 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: August 15, 1977

By: *Marion F. Wade*

Director

(Title)

FILED
In the office of the Secretary of State
of the State of California

NOV 22 1977
At 2:23 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Maizie R. Kershner*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on March 1, 1978, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Sections: 42-213.2(c)
44-101.42
44-111.437
47-413.2(c)
47-701.32
47-711.337
44-111.438
47-711.438

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

AFDC

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY
BE RETAINED (Continued)

42-213

2 Personal Property to be Excluded (Continued)

c. Loans

(1) Loans not available for current need because of conditions imposed by the lender,

(2) Any unexpended portions of loans or grants that are exempt from consideration as
income under Section 44-111.43.

(3) Loans obtained to meet current needs

while (a) an application is pending,

(b) aid is wrongfully denied or discontinued, (c) a county

is refusing to comply or is delayed in complying with a

Fair Hearing decision, or (d) an aid warrant is being delayed

due to no fault of the recipient.

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 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-101 INCOME DEFINITIONS (Continued)

44-101

AFDC

- .42 Income from an inconsequential resource is the net return from an interest in real or personal property which, by itself, makes no appreciable contribution to the continuing needs of a recipient under the aid standard.

The following examples illustrate some types of income which usually are considered casual income or income from an inconsequential resource:

- a. *Income from occasional labor and services of a temporary nature and which offer no security as a regular source of maintenance.*
- b. *Income from occasional sale of products or resulting from work engaged in wholly or primarily for its therapeutic value, such as knitting, art work, cabinet work, etc.*
- c. *Income from occasional rental of a room which is not ordinarily advertised or listed for rent and which is rented for a short period only.*
- d. *The value of the usual small gifts/in kind given in commemoration of holidays and anniversaries; or a gift in kind earmarked for a specific purpose and not useful for meeting the continuing needs of the recipient, such as a gift of a ticket for a trip. Gifts of personal property such as a radio, refrigerator, etc.*
- e. *Returns from home produce from garden, orchard, farm livestock, poultry, firewood, etc., which is sold or exchanged.*
- f. *Interest on securities which has no appreciable significance in meeting continuing needs.*
- g. *Results of occasional barter transactions, such as the exchange of wood produced on the recipient's property for work on the road leading to his house.*
- h. *Dues and membership fees in benevolent, fraternal or other nonprofit organizations which are assumed by the organization or by another person on behalf of the recipient.*
- i. *Emergency relief granted a recipient who has lost or spent his grant.*

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
 (Continued)

44-111

AFDC

.437 Loans obtained to meet current needs

while (a) an application is pending, (b) aid
is wrongfully denied or discontinued, (c) a county is refusing to
comply or is delayed in complying with a Fair Hearing decision, or
(d) an aid warrant is being delayed due to no fault of the recipient.

.438 Any other loan or grant to the extent that the proceeds are not available to meet current
needs.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-413 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY
BE RETAINED (Continued)

47-413

APSB

2 Personal Property to be Excluded (Continued)c. Loans

- (1) Loans not available for current need because of conditions imposed by the lender.
- (2) Any unexpended portions of loans or grants that are exempt from consideration as income under Section 47-711.33, Loans and Grants.

- (3) Loans obtained to meet current needs

while (a) an application
is pending, (b) aid is wrongfully denied or discontinued,
(c) a county is refusing to comply or is delayed in complying
with a Fair Hearing decision, or (d) an aid warrant is being
delayed due to no fault of the recipient.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-701 INCOME DEFINITIONS (Continued)

47-701

APSB

- 32 Income from an inconsequential resource is the net return from an interest in real or personal property which, by itself, makes no appreciable contribution to the continuing needs of a recipient under the aid standard.

The following examples illustrate some types of income which usually are considered casual income or income from an inconsequential resource:

- a. *Income from occasional labor and services of a temporary nature and which offer no security as a regular source of maintenance.*
- b. *Income from occasional sale of products or resulting from work engaged in wholly or primarily for its therapeutic value, such as knitting, art work, cabinet work, etc.*
- c. *Income from occasional rental of a room which is not ordinarily advertised or listed for rent and which is rented for a short period only.*
- d. *The value of the usual small gifts in cash or in kind given in commemoration of holidays and anniversaries; or a gift in kind earmarked for a specific purpose and not useful for meeting the continuing needs of the recipient, such as a gift of a ticket for a trip. Gifts of personal property such as a radio, refrigerator, etc.*
- e. *Returns from home produce from garden, orchard, farm livestock, poultry, firewood, etc., which is sold or exchanged.*
- f. *Interest on securities which has no appreciable significance in meeting continuing needs.*
- g. *Results of occasional barter transactions, such as the exchange of wood produced on the recipient's property for work on the road leading to his house.*
- h. *Dues and membership fees in benevolent, fraternal or other nonprofit organizations which are assumed by the organization or by another person on behalf of the recipient.*
- i. *Emergency relief granted a recipient who has lost or spent his grant.*

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-711 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

47-711

APSB

.337 Loans obtained to meet current needs

while (1) an application is pending, (2) aid is wrongfully denied or discontinued, (3) a county is refusing to or is delayed in complying comply with a Fair Hearing decision, or (4) an aid warrant is being delayed due to no fault of the recipient.

.338 Any other loan or grant to the extent that the proceeds are not available to meet current needs.

Interpretation — The Welfare and Institutions Code establishes a Revolving Loan Fund in the state treasury to be administered by the Department of Health. The Fund is for the purpose of making loans to recipients of SSI on basis of blindness or recipients of APSB to enable them to become established in a business, profession or other gainful employment or assist those already engaged in employment endeavors to decrease their financial dependency. In considering requests for loans, preference will be given in those instances where lending agencies or other resources are not available or practical, or the amount is insufficient to meet the need of the recipient's plan or project.

It is the obligation of the applicant for a loan to provide the county with all pertinent information concerning his/her plan for self-support, current obligations, resources available to him/her, and efforts to promote the plan. The county is responsible for taking the application and for making a careful evaluation of the factors relating to the plan for self-support and personal characteristics of the applicant, thus providing the basis upon which the Loan Fund Committee can make its recommendations to the DOH.

The criteria used in evaluating the request for a loan are the feasibility of the plan for self-support, the degree of effort and interest shown by the applicant in pursuing his/her goal toward self-support, the availability of other resources, the soundness of the applicant's plan for repayment and his/her sense of responsibility in meeting his/her obligations.

Form BL 240, Application for a Loan, is to be completed by the applicant in triplicate and submitted to the county welfare department of his/her county of residence. After completing Item 11, Evaluation by the County, two copies of Form BL 240 are to be forwarded to the DOH, Special Services for the Blind, for review by the Loan Fund Committee and decision by the DOH.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no state mandated local costs in these proposed regulations that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no new duties, obligations or responsibilities imposed on local government.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

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NOV 22 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

NOV 22 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: November 16, 1977

By: *Marion J. Work*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 22 1977

At 2:23 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Marjorie R. Rensberger*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on February 1, 1978, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

ADOPT: Section 42-213.2u
47-413.2r

REPEAL: Section 42-211.24
47-211.24

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-213

PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH
MAY BE RETAINED (Continued)

42-213

AFDC.2 Personal Property to be Excluded

u. Equipment and materials, including inventories, which are necessary to implement and continue an approved plan of employment or an approved plan of rehabilitation or self care necessary for employment.

Motor vehicles shall be considered "equipment" only if they are to be used in the employment, other than solely for commuting to and from work.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-413 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY 47-413
BE RETAINED (Continued).2 Personal Property to be Excluded

r. Equipment and materials, including inventories, which are
necessary to implement and continue an approved plan of
employment or an approved plan of rehabilitation or self
care necessary for employment.

Motor Vehicles shall be considered "equipment" only if they
are to be used in the employment, other than solely for
commuting to and from work.

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(Pursuant to Government Code Section 11380.1)

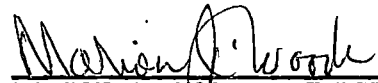
The following regulations are to be repealed on January 1, 1978, after its filing with the Secretary of State:

Section 42-211.24 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING
PROPERTY WHICH MAY BE RETAINED

Section 47-411.24 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING
PROPERTY WHICH MAY BE RETAINED

Increased county program and administrative costs will be reimbursed by the State under the provisions of Revenue and Taxation Code Section 2231.

Approved:


MARION J. WOODS, DIRECTOR
Department of Benefit Payments

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7:53

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 1 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
Code 11380.2)

DEC 1 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
 and correct copy of regulations adopted, or
 amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: December 1, 1977

By: *Marilyn P. Nash*

Director

(Title)

FILED

In the office of the Secretary of State
 of the State of California

DEC 1 - 1977 m

At 2:11 o'clock P. M.

MARCH FONG EU, Secretary of State

By: *Margie R. Hershberger*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 305.1 and 306.1 of the Unemployment Insurance Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on January 1, 1978, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Division of Title 22, California Administrative Code,
 Section 926-3
 Section 926-4
 Section 926-5

These regulations implement, interpret or make specific Unemployment Insurance Code Section 926.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

926-3. Taxable Value of Board and Lodging. (a) Board, lodging, or any other payment in kind, received by an employee in addition or in lieu of cash wages, shall be taxable on the basis of a reasonably estimated cash value to the employee, as determined or approved by the department as hereinafter provided:

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(Pursuant to Government Code Section 11380.1)

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(1) The reasonably estimated cash value of meals, lodging, or other payment in kind to an employee will not be deemed less than

(A) the bona fide value stipulated in a union agreement or contract of employment, or (B) the value established as a basis of compliance with any applicable law governing minimum wages.

(2) Meals. In those cases where subdivision (a) (1) is not applicable, the department will consider the following scale to be a reasonable estimated cash value of meals to employees:

For the calendar year
1978 and thereafter except
as modified herein in
accordance with the follow-
ing provisions of this sub-
division

Three meals per day \$2.80

Individual meals:

Breakfast60

Lunch85

Dinner \$1.35

A meal not identifiable as either breakfast,
lunch, or dinner95

Whenever the average of retail prices of foods in California cities during the twelve months of any fiscal year ending on June 30th varies

from the average of prices during the same months ending on June 30, 1969 by 10 percent or more, according to the cost of living indexes published by the United States Department of Labor, Bureau of Labor Statistics, the director will by authorized regulation modify the 1978 scale for meals upward or downward in substantially

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**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

the same ratio for the ensuing calendar year.

If, however, it can be shown to the satisfaction of the department in any case that the scale as determined herein exceeds 120 percent of the cost of the rawmaterials used in preparing meals for employees, the department will consider 120 percent of the cost of such rawmaterials to be the basis for a reasonably estimated value of meals to employees.

(3) Lodging. (A) As a general rule, in those cases where subdivision (a)(1) is not applicable, the department will consider a reasonably estimated cash value of lodging to an employee, for the calendar year 1978 and thereafter except as modified in accordance with this subdivision, to be 66 $\frac{2}{3}$ percent of the ordinary rental value to the public but not in excess of \$230 per month or less than \$7.50 per week. The following examples illustrate the computation of taxable wages in such cases:

Example A

Ordinary rental value to public of lodging	\$500
Cash value of lodging to employee (66 $\frac{2}{3}$ percent	
of \$500 equals \$333.33)	\$230 Taxable Wages

Example B

Ordinary rental value to public of lodging	\$225
Cash value of lodging to employee (66 $\frac{2}{3}$ percent	
of \$225 equals \$150)	\$150 Taxable Wages

Example C

Ordinary rental value to public of lodging	\$ 33
Cash value of lodging to employee (66 $\frac{2}{3}$ percent	
of \$33 equals \$22)	\$ 30 Taxable Wages

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(B) In those cases where subdivision (a)(1) is not applicable, if the employee receives part of his lodging in exchange for a cash payment and part in exchange for services rendered, the department will consider that only the part received in exchange for services rendered is received in lieu of cash wages. . The amount of the cash payment by the employee shall be deducted from the ordinary rental value of the lodging to the public, and the reasonably estimated cash value of the remainder, which is the part received by the employee in lieu of cash wages, shall be $66 \frac{2}{3}$ percent of the ordinary rental value to the public but not in excess of \$230 per month. The following examples illustrate the computation of taxable wages in such cases:

Example A

Ordinary rental value to public of lodging	660
Employee pays cash for lodging	60
	600
Cash value of lodging to employee ($66 \frac{2}{3}$ percent \$600 equals \$400	230 Taxable Wages

Example B

Ordinary rental value to public of lodging	\$ 40
Employee pays cash for lodging	<u>19</u>
Remainder	21
Cash value of lodging to employee ($66 \frac{2}{3}$ percent of \$21 equals \$14)	14 Taxable Wages

(C) Whenever the average of residential rent prices in the Los Angeles, San Diego, and San Francisco Metropolitan Areas during the twelve months of any fiscal year ending on June 30th varies

from the average of prices during the same months ending on June 30, 1973 by 10 percent or more, according to the residential rent indexes published by the United States Department of Labor, Bureau of Labor Statistics,

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(Pursuant to Government Code Section 11380.1)

from the average of prices during the same months ending on June 30, 1973 by 10 percent or more, the director will by authorized regulation modify the 1978 scale of maximum and minimum rates for lodging upward or downward in substantially the same ratio for the ensuing calendar year.

(4) Where there are unusual facts and circumstances which make any of the foregoing inapplicable, the department will consider such facts and circumstances in approving or determining a reasonably estimated cash value of meals or lodging to the employees.

(b) Employers shall maintain reasonably complete records of meals and lodging furnished employees as a part of their remuneration. Such records shall be in such form as to show the number and kind of meals actually consumed by employees. If in any case an employee objects to the amount of deductions made for contributions on the ground that the value and number of meals furnished or the value of any remuneration in kind is erroneous, he may protest to the department and request a determination thereon.

(c) It is immaterial for the purposes of this section that the facilities furnished by the employer are furnished for his convenience or the convenience of the employee.

(d) The provisions of this section shall not be construed to include as taxable wages items expended on behalf of the employer and designated as traveling allowance.

(e) This section is not applicable to meals and quarters furnished officers and crewmen aboard merchant vessels, or to meals and quarters received by fishermen, except as specifically provided in Sections 926-4 and 926-5 of

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(Pursuant to Government Code Section 11380.1)

these regulations.

(f) No right or cause of action founded upon any scale of reasonably estimated cash value of meals to employees in effect under provisions existing prior to the amendment of this section shall be abolished or impaired by such amendment.

Note: Additional authority cited: Sections 305, 306 and 1088, Unemployment Insurance Code. Additional authority: Sections 305.1 and 306.1, Unemployment Insurance Code. Reference: Section 926, Unemployment Insurance Code.

- History:
1. Amendment of subsection (a) filed 2-8-74; designated effective 4-1-74 (Register 74, No.6). For prior history, see Register 72, No. 49.
 2. Amendment filed 12-2-74, designated effective 1-1-75 (Register 74, No. 49). Issuing Agency: Department of Benefit Payments.
 3. Amendment filed 12-2-75; designated effective 1-1-76 (Register 75, No. 49). Issuing Agency: Department of Benefit Payments.
 4. Amendment filed 12-1-76; designated effective 1-1-77 (Register 76, No. 49). Issuing Agency: Department of Benefit Payments.

926-4. Taxable Value of Meals and Quarters Furnished Officers and Crewmen Aboard Vessels. (a) Meals and quarters received by officers and crewmen aboard a vessel shall be taxable on the basis of a reasonably estimated cash value to the employee as determined or approved by the department as hereinafter provided:

(1) The reasonably estimated cash value of meals and quarters to an employee will not be deemed less than (A) the bona fide value stipulated in a union agreement or contract of employment, or (B) the value established as a basis of compliance with any applicable law governing minimum wages.

(2) In those cases where subdivision (a)(1) is not applicable the department will consider the following scale to be the reasonably estimated cash value to the employee of meals and quarters for the calendar year

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(Pursuant to Government Code Section 11380.1)

1978 and thereafter, except as modified herein in accordance with the following provisions of this subdivision:

(A) Licensed Personnel. For each day or part of a day aboard a vessel, \$2.80 for meals plus \$1.55 for quarters, or total of \$4.35.

(B) Unlicensed Personnel. For each day or part of a day aboard a vessel, \$2.80 for meals plus \$1.05 for quarters, or a total of \$3.85

(C) Adjustment of Meals Values. Whenever the average of retail prices of foods in California cities during the twelve months of any fiscal year ending on June 30th varies

from the average

of prices during the same months ending on June 30, 1969 by 10 percent or more, according to the cost of living indexes published by the United States Department of Labor, Bureau of Labor Statistics, the director will be authorized regulation modify the 1978 scale for meals upward or downward in substantially the same ratio for the ensuing calendar year.

If, however, it can be shown to the satisfaction of the department in any case that the scale as determined herein exceeds 120 percent of the cost of the raw materials used in preparing meals for employees, the department will consider 120 percent of the cost of such raw materials to be the basis for a reasonably estimated value of meals to employees.

(D) Adjustment of Quarters Values. Whenever the average of residential rent prices in the Los Angeles, San Diego, and San Francisco Metropolitan Areas

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

during the twelve months of any fiscal year ending on June 30th varies

from the average of prices during the same months ending on June 30, 1973 by 10 percent or more, according to the residential rent indexes published by the United States Department of Labor, Bureau of Labor Statistics, the director will by authorized regulation modify the 1978 scale of rates for quarters upward or downward in substantially the same ratio for the ensuing calendar year.

(b) "Vessel" as used in this section includes freighter, tanker, passenger or any other vessel, except fishing vessels. (Fishing Vessels--See Regulation 926-5.)

(c) "Licensed personnel" as used in this section includes master, mates, engineers, pilots, radio telegraphers and any other persons who are licensed pursuant to the United States Shipping Code, and also includes pursers and surgeons and any other persons who are registered pursuant to the United States Shipping Code.

(d) "Unlicensed personnel" as used in this section includes all members of the crew other than persons described in subdivision (c) of this section.

(e) Notwithstanding the provisions of subdivision (a)(2) of this section if an employer maintains records in such form as to show the number and kind of meals actually consumed by employees the scale for individual meals set forth in subdivision (a)(2) of Section 926-3 of these regulations may apply.

(f) It is immaterial for the purposes of this section that the facilities furnished by the employer are furnished for his convenience or the

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(Pursuant to Government Code Section 11380.1)

convenience of the employee.

(g) No right or cause of action founded upon provisions for the reasonably estimated cash value to officers and crewmen aboard vessels of meals and quarters in effect prior to the amendment of this section shall be abolished or impaired by such amendment.

Note: Authority cited: Sections 305, 306, 307, 1088 and 2602, Unemployment Insurance Code. Additional authority: Sections 305.1 and 306.1, Unemployment Insurance Code. Reference: Section 926, Unemployment Insurance Code.

- History: 1. Amendment of subsection (a) filed 2-8-74; designated effective 4-1-74 (Register 74, No. 6). For prior history, see Register 72, No. 49).
2. Amendment filed 12-2-74; designated effective 1-1-75 (Register 74, No. 49). Issuing agency: Department of Benefit Payments.
3. Amendment filed 12-2-75; designated effective 1-1-76 (Register 75, No. 49).
4. Amendment filed 12-1-76; designated effective 1-1-77 (Register 76, No. 49). Issuing Agency: Department of Benefit Payments.

926.5. Taxable Value of Meals and Quarters Received by Fishermen Aboard Fishing Vessels. (a) Meals and quarters received by fishermen aboard fishing vessels shall be taxable on the basis of a reasonably estimated cash value to the employee as determined or approved by the department as hereinafter provided:

(1) Meals. The value of meals may be computed on one of the following bases, at the option of the employer:

(A) The cost of food furnished to or consumed by fishermen shall be equally divided by the number of fishermen to determine the taxable value of meals to each fishermen.

(B) If an employer maintains records in such form as to show the

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(Pursuant to Government Code Section 11380.1)

number and kind of meals actually consumed by fishermen the scale as set forth in Section 926-3 of these regulations may be applied.

(2) Quarters. For the calendar year 1978 and thereafter except as modified in accordance with this subdivision, quarters furnished fishermen aboard fishing vessels have a cash value to the employee of \$7.50 a week, or \$1.10 a day for periods less than a week, where the facilities include (A) living compartment space that normally permits standing erect; (B) heat, light and ventilation; (C) gear locker; (D) head and bathing facilities; (E) individual bunks or berths with mattresses, assigned to each fisherman.

Quarters which do not meet the above minimum standards have no cash value to the fishermen.

(3) Adjustment of Quarters Values. Whenever the average of residential rent prices in the Los Angeles, San Diego, and San Francisco Metropolitan Areas during the twelve months of any fiscal year ending on June 30th varies

from the average of prices during the same months ending on June 30, 1973 by 10 percent or more, according to the residential rent indexes published by the United States Department of Labor, Bureau of Labor Statistics, the director will by authorized regulation modify the 1978 scale of rates for quarters upward or downward in substantially the same ratio for the ensuing calendar year.

(b) It is immaterial for the purposes of this section that the cost of food consumed aboard fishing vessels is borne by the employer, by the employees or is shared by the employer and employees. The following examples illustrate the computation of taxable wages under two methods of accounting where the employer elects to apply the formula set forth in subdivision (a)(1)

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(Pursuant to Government Code Section 11380.1)

(A) of this section. It is assumed that the share for the owner or operator of the vessel is 40 percent and the fishermen's share is 60 percent.

Example A. All operating expenses, including the cost of food consumed aboard, are deducted from the gross receipts from sale of the catch. The remainder is divided into two shares, one for the owner or operator of the vessel and the other to be distributed among the fishermen. The fishermen's cash wages plus the total cost of food constitute taxable wages.

Gross proceeds from sale of the catch.....		\$1,000
Less fuel and other operating expenses.....	\$200	
Less cost of food.....	100	300
		<hr/>
Owner or operator's share (40 percent).....		700
		280
Fishermen's share (60 percent) (cash wages).....		420
Add cost of food consumed.....		100
Total.....		\$520 Taxable Wages

(1) Taxable wages each man, assuming 5 men with equal shares--\$104.

(ii) Taxable wages each man, assuming 5 men, 1 man having 2 shares, and 4 men having 1 share each:

	Cash	Add Cost of food	Total taxable wages
Fisherman "A".....	\$140	\$20	\$160
Fisherman "B".....	70	20	90
Fisherman "C".....	70	20	90
Fisherman "D".....	70	20	90
Fisherman "E".....	70	20	90
	\$420	\$100	\$520

Example B. All operating expenses, except cost of food consumed aboard are deducted from the gross receipts from sale of the catch. The remainder is divided into two shares, one for the owner or operator of the vessel and the

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(Pursuant to Government Code Section 11380.1)

other to be distributed among the fishermen. The amount of fishermen's share before deduction of the cost of food constitutes taxable wages.

Gross proceeds from sale of the catch	\$1,000	
Less fuel and other operation expenses	200	
	800	
Owner or operator's share, (40 percent)	320	
Fishermen's share (60 percent)	480	Taxable wages
Less cost of food	100	
Cash wages	\$380	

(i) Taxable wages each man, assuming 5 men with equal shares--\$96.

(ii) Taxable wages each man, assuming 5 men, 1 man having two shares, and 4 men having 1 share each:

	Total Taxable Wages	Less cost of food	Cash
Fisherman "A"	\$160	\$20	\$140
Fisherman "B"	80	20	60
Fisherman "C"	80	20	60
Fisherman "D"	80	20	60
Fisherman "E"	80	20	60
	\$480	\$100	\$380

(c) "Fishermen" as used in this section includes all persons aboard the vessel who are entitled to receive a share-of-the-catch or who are remunerated on any other basis.

(d) It is immaterial for the purposes of this section that the facilities furnished by the employer are furnished for his convenience or the convenience of the employee.

(e) No right or cause of action founded upon provisions for the

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(Pursuant to Government Code Section 11380.1)

reasonably estimated cash value to fishermen of meals and quarters in effect prior to the amendment of this section shall be abolished or impaired by such amendment.

Note: Authority cited: Sections 305, 306, 1088 and 2602, Unemployment Insurance Code. Reference: Section 926, Unemployment Insurance Code.

History: 1. New section filed 12-22-59; designated effective 1-1-60 (Register 59, No. 22).
2. Amendment filed 2-8-74; designated effective 4-1-74 (Register 74, No 6).
3. Amendment filed 12-1-76; designated effective 1-1-77 (Register 76, No. 49). Issuing Agency: Department of Benefit Payments.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this regulation because the duties, obligations or responsibilities imposed on local government by this regulation are minor in nature and will not cause any financial burden on local government.

Approved:

By: Marion J. Woods
MARION J. WOODS, Director
Department of Benefit Payments

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(Pursuant to Government Code Section 11380.1)

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Office of Administrative Hearings

ENDORSEDAPPROVED FOR FILING
(Code 11380.2)

DEC 1 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true
 and correct copy of regulations adopted, or
 amended, or an order of repeal by:

 Department of Benefit Payments

(Agency)

Dated: July 28, 1977

By: Maurice J. Wood_____
Director

(Title)

FILEDIn the office of the Secretary of State
of the State of California

DEC 1 - 1977

At 2:11 o'clock P.M.

MARCH FONG EU, Secretary of State

By: Merjorie R. Hershberger
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on January 1, 1978, its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Sections: 42-652.23
 42-680.1

These regulations implement, interpret or make specific Unemployment Insurance Code Section 5007.5(d).

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(Pursuant to Government Code Section 11380.1)

42-652 NOTIFICATION TO THE WIN SPONSOR (Continued)

42-652.

- .23 When the AFDC-U parent's status changes from federal to nonfederal or from nonexempt to exempt, the IMU must include in its notification under Section 42-652.1 that the individual is required to be referred to EDD-ES for registration.

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(Pursuant to Government Code Section 11380.1)

42-680 SUPPORTIVE SERVICES

42-680

Supportive Services are social services provided to WIN registrants necessary to enable the registrant to accept employment or participate in WIN, including such services as are necessary to remove or reduce barriers to employment. Services to be provided include: day care, family planning, counseling, employment related medical and remedial care, and selected vocational rehabilitation services.

.1 Child Day Care Services

.11 Definition. Child day care is the comprehensive and coordinated sets of activities providing direct care and protection of infants, preschool and school age children during a portion of a 24-hour day inside or outside of the child's own home.

.12 Child Day Care Standards

Child day care arrangements provided through WIN must meet the same standards as are required under Title XX.

.13 Child Day Care Plans

A child day care plan is a written agreement between the SAU, the
certified registrant
provider, and the WIN / which comprehensively describes
for whom and under what specific circumstances child day care will
be provided.

There must be a written plan for each certified registrant
/ who receives WIN-
funded child day care. This plan will include the following
information:

- a. The name, address, and case number of the WIN certified registrant.
- b. Case name, if different from the above.
- c. Date the plan is initiated.
- d. Name, birthdate, and sex of child(ren) for whom care is being
provided.
- e. The component in which the registrant will participate.
- f. The duration of the component (beginning and ending dates).
- g. The type of care being provided, i.e., in-home, family day care,
group day care, or day care center.

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(Pursuant to Government Code Section 11380.1)

42-680 SUPPORTIVE SERVICES (Continued)

42-680

- h. Beginning and ending dates of provision of care.
- i. Number of hours of care, e.g., 7:30 a.m. to 3:30 p.m., including normal transportation time.
- j. Total number of hours per week and rate of pay per hour.
- k. Name and address of provider.
- l. Signatures of SAU, the certified registrant / , and the provider.

The SAU signature on the child day care plan is the instrument which authorizes expenditure of WIN child day care funds. A copy of the signed plan should be sent to the IMU.

- .131 The SAU should explain to registrants the type of day care available, the suitability of each type of care in relation to the needs of the children, the importance of stability and continuity of care, the length of time WIN-funded day care payments can continue and the availability of Title XX or other day care after WIN-funded care ends.

- certified registrant
- .132 The / should be involved in the development of a suitable day care plan which may include plans for emergency or interim care as well as for long-term, stable day care.
- .133 If there is more than one type of day care available, the mother or other caretaker relative may choose among them.
certified
- .134 A/registrant may not refuse the available care unless he/she can arrange for other day care that is no more expensive to the county or WIN and can show that such refusal will not prevent or interfere with WIN participation.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-680 SUPPORTIVE SERVICES (Continued)

42-680

.135 In the case of day care provided at no cost to the WIN program, the SAU worker should discuss the care arrangement with the WIN registrant to determine its potential stability and suitability. Each case folder should contain documentation confirming that the client has obtained his or her own suitable day care.

Such documentation may consist of the SAU worker's narrative report in the case record.

.136 As part of the planning process, the SAU should stress the importance of the registrant's informing the SAU immediately if the day care plan breaks down.

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(Pursuant to Government Code Section 11380.1)

42-680 SUPPORTIVE SERVICES (Continued)

42-680

.14 Criteria for Child Day Care Plans

In developing plans for suitable day care services, the following factors should be considered:

.141 Accessibility to the child's home and school;

.142 Convenience for the registrant and suitability of the hours of the day care with respect to the registrant's schedule; and

.143 Appropriateness of the plan to the age and special needs of the child.

.15 Emergency Day Care Services

.151 The SAU is responsible for providing or arranging for temporary, emergency day care services when (1) no immediate and permanent arrangement is possible, or (2) care is needed for a short-term period, or (3) an emergency situation arises, disrupting the established day care plan, such as the illness of the provider or child or the unavoidable absence of the provider.

.152 Emergency care is not a substitute for long-term care. It should be provided only until a permanent day care plan can be established or the regular plan can be resumed. If possible, no child should be placed in an emergency care arrangement for more than ten continuous days at any one time. During this period, permanent day care arrangements should be developed.

.153 Emergency day care arrangements should meet the same standards as regular day care arrangements.

.16 Child Day Care Costs

.161 If a registrant declines to accept day care services arranged by the SAU and prefers to make other arrangements, WIN supportive service funds may be used to pay for such alternative arrangements if the arrangement will not be more costly than the WIN arrangement, if the alternative will not conflict with the registrant's participation in WIN, and if the arrangements meet the standards of Section 42-680.12.

.162 All child day care costs for participants in both waged and non-waged WIN components are paid from WIN child day care funds.

Such costs shall be paid on the basis of a monthly claim submitted or by the provider by the certified registrant to the county welfare department. The payments shall not exceed those agreed upon in the child day care plan and, (upon receipt of the expense claim,) shall be adjusted to meet the actual allowable expense incurred.

.163 Costs of the transportation to and from day care locations of a child of a certified registrant may be charged to WIN manpower funds as part of the transportation allowance to and from the employment or training.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-680 SUPPORTIVE SERVICES (Continued)

42-680

.163 Continued

WIN manpower funds are paid by EDD for those participants in non-waged components. Transportation costs are allowed as a work-related expense. Transportation costs for participants in waged components are allowed as a work related expense deducted from the income. See EAS Section 44-113.241 (d).

.17 Child Care Provided by State Department of Education Contract Centers

.171 WIN child day care funds are used to pay for WIN child(ren) care in SDE Contract Centers that meet Title XX standards.

.172 The SDE Center must be notified that the child(ren) is provided for by WIN and how long WIN will pay for such care. Submitting a copy of the child day care plan will accomplish this purpose. If the parent drops out of or completes the WIN component, the center must be notified so that it will not continue to bill WIN for child care.

.173 The _____ rates in SDE Centers are the actual program costs of the center. The maximum reimbursement rate is established _____ in the State Budget Act.

WIN counties are required to pay the maximum reimbursement rate or actual operating costs, whichever is less, for WIN children in SDE Centers.

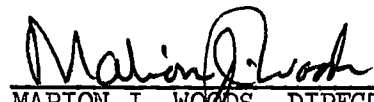
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(Pursuant to Government Code Section 11380.1)

Any costs to any unit of local government in these regulations are negligible.

Approved:



MARION J. WOODS, DIRECTOR
Department of Benefit Payments

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45-72

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DEC 1 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: November 30, 1977

By: *Malcolm J. Woods*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 1 - 1977

At 2:11 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Merilee R. Herschkegel*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on January 1, 1978, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

REPEAL: Section 23-351
 23-353
 23-355
 23-357

AMEND: Section 23-350
 23-359
 23-361
 23-600.1

ADOPT: Section 23-351
 23-353
 23-355
 23-356

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

23-350 DISPOSITION OF WELFARE RECORDS23-35023-351 DEFINITIONS OF WELFARE RECORDS23-351

- .1 The welfare case history consists of all documents and forms relating to eligibility determinations for public assistance including, but not limited to documents necessary to support the granting or denying of aid, case narratives, personal documents, budget forms, referrals to and from other agencies, and correspondence to and from the recipient.
- .11 A case narrative is the chronological listing of data or events recorded throughout the life of the case, which does not appear elsewhere in the case record, or which is necessary to augment or reconcile data or information recorded in forms or correspondence.
- .12 Personal documents of the recipient are those documents owned by a recipient which have been placed in the case history.
- .13 Permanent records are those which are necessary to document the recipient's continuing eligibility for public assistance. Examples of such records include birth certificates, marriage licenses, divorce decrees, court orders mandating spousal or child support, and Special Circumstances records.
- .2 Special Investigative Unit records are records kept by the SIU after a fraud investigation.
- .3 Medical or psychological records are records which show diagnosis or treatment of a recipient.
- .4 Warrant register is the listing of county welfare warrants maintained pursuant to Government Code 26907.

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(Pursuant to Government Code Section 11380.1)

23-351 DEFINITION OF WELFARE RECORDS (Continued)

23-351

- .5 General administrative and fiscal records are all other records kept by the department which do not pertain to a particular case.

23-353 RETENTION PERIODS

23-353

In general, all welfare records must be maintained for a period of four years for DBP purposes. Records shall be retained for longer periods if the county is notified by DBP that unresolved issues or pending civil or criminal actions

The exist./ Board of Supervisors of each county may exercise its independent authority to authorize destruction of case narratives four years after they were compiled. These requirements to retain welfare records do not authorize destruction of any record that has a longer retention period required under other code provisions.

- .1 The following records must be maintained four years from the date of the final aid payment, or, for cases in which no aid was paid, from the date of the last action:

.11 Welfare case history, except as provided in Section 23-353.3 below.

.12 Special investigative unit reports.

.13 Medical or psychological records.

- .2 General administrative and fiscal records must be retained for four years from the date of submission of the final expenditure report, except that statistical reports and supporting documents shall be retained for at least one complete year following the date of submission. (See Section 26-090, Retention Period.)

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(Pursuant to Government Code Section 11380.1)

23-353 RETENTION PERIODS (Continued)

23-353

- .3 Permanent records, as specified in Section 23-351.13, shall be retained until all records for that particular case are destroyed.
- .4 Warrant registers must be retained for fifteen years. County welfare warrants must be retained for five years.

23-355 DESTRUCTION OF CASE RECORDS23-355

- .1 All case histories are confidential and caution must be taken in their destruction to maintain confidentiality, and to prevent unauthorized disclosure.
- .2 All original personal records of a recipient should be returned to the recipient or to his/her family by certified letter once the case has been closed. If they cannot be returned they should be destroyed as part of the case history.
- .3 SIU records and medical and psychological records are confidential and can be released only by court order. They shall be destroyed as part of the case history.

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(Pursuant to Government Code Section 11380.1)

23-356 RETENTION REQUIREMENTS - ADULT AIDS

23-356

OAS In general, the requirements for retention of active adult aid files,
ATD
AB specifically APSB, and Emergency Loan cases.
APSB
SSP are the same as outlined in 23-353. For cases that were converted to the
 Federal SSI/SSP Program, case records must be retained for the full re-
 tention period following the date of conversion, or January 1, 1974.
 Records for the Special Circumstances program, as explained in Section
 46-425, shall be retained as permanent records (See Section 23-351.13).

23-359 COUNTY RESPONSIBILITY FOR INDEX FILES

23-359

AFDC The county shall establish and maintain index files to identify active and
APSB
 inactive agency records, relating to persons applying for or receiving aid
 or service, their spouses and their children (AFDC).

23-361 COUNTY RESPONSIBILITY FOR CONTROL FILES

23-361

AFDC The county is also responsible for maintaining necessary control files
APSB
 to insure that required actions are taken when due.
 These include:

- a. Pending applications, reapplications, and requests for restoration.
- b. Reinvestigation of eligibility.
- c. Transfer to or from another county.
- d. Anticipated changes in need, income, efforts toward self-support or other eligibility factors.
- e. Collection activity (See Fiscal Manual, Chapter 25-400).
- f. Service cases and activities.
- g. Birth, 6, 16, 18 and 21st birthdays.
- APSB h. Determination of Degree of Blindness.

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25-600 FORMS RETENTION AND REPORTING REQUIREMENTS

25-600

.1 Retention Schedule

State forms listed in Handbook Chapter 25-600 and their supporting records must be retained by the county for a minimum of 4 years unless notification has been received from the DBP that there are unresolved audit issues. _____ The exceptions are:

- a. ABCD 830 original shall be retained in the case record. ABCD 830 duplicate may be destroyed after overpayment is recovered. ABCD 830 triplicate may be destroyed after overpayment is recovered or at end of adjustment period.
- b. All DFA 117 forms shall be retained for the minimum period after disposal of the property.

This retention schedule is for fiscal purposes of the DBP and does not authorize the county to destroy any of those records which have a longer retention period required by other laws or regulations.

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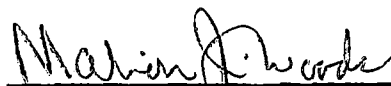
(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed on January 1, 1978 after its filing with the Secretary of State:

- 23-351 (Destruction of Case Records - General)
- 23-353 (Definition of Case History)
- 23-355 (Retention Schedule)
- 23-357 (ATD Case Records)

No increased county administrative expense program or state support costs were identified.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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(Gov. Code 11380.2)

DEC 1 1977

Office of Administrative Hearings

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: July 19, 1977

By: *Mahon J. Work*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 1 - 1977

At 2:11 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Maigrie R. Nersisyan*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on January 1, 1978, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

ADOPT: Chapter 11-600

These regulations implement P.L. 93-647 as amended by P.L. 94-88, 45 CFR 305, and 42 USC 20000D, Title VI of the Civil Rights Act of 1964.

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(Pursuant to Government Code Section 11380.1)

DIVISION 11

11-600 ADMINISTRATIVE STANDARDS FOR STATE IV-D AGENCY

11-600

11-601 GENERAL STATEMENT

Pursuant to Public Law 93-647 as amended by Public Law 94-88, the Department of Benefit Payments has been designated the single state agency to administer the Child Support Enforcement Program (Title IV-D of the Social Security Act). Regulations governing the functions with respect to the child support program of the county welfare department/are to be found in Division 43 of the EAS Manual. A Plan of Cooperation has been developed and executed with each county which delegates certain functions of the program to local District Attorney offices. The purpose of such plan is to establish responsibilities and guidelines for an effective program for the securing of financial support for minor children, including, but not limited to, identification and location of absent parents, determination of paternity of children born out of wedlock, determination of the absent parents' ability to support their minor children, establishment and enforcement of support obligations.

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(Pursuant to Government Code Section 11380.1)

11-603 PLAN OF COOPERATION (STATE)

11-603

The Plan of Cooperation mentioned above generally contain the following provisions regarding the responsibilities of the State Department of Benefit Payments:

- .1 To ensure that the State Plan is in operation on a statewide basis in accordance with equitable standards of administration required by state and federal law that are mandatory throughout the state, and to ensure that the Plan is continuously in operation in all political subdivisions of the State and in all appropriate agencies.
- .2 To develop and utilize methods for informing staff and all appropriate county agencies of state policies, standards, and procedures.
- .3 To ensure that county welfare departments provide all reasonable assistance necessary to permit district attorneys to meet state and federal standards.
- .4 To conduct regular planned examinations and evaluation of operations in local offices by regularly assigned state staff, including regular visits by such staff; and through reports and proposals for corrective action as necessary.
- .5 To ensure that the State Plan is amended whenever necessary to reflect new or revised federal statutes or regulations; or material change in any phase of state law, organization, policy or state or local agency operations.
- .6 To assist district attorneys in claiming incentive payments and federal matching funds.
- .7 To allocate and distribute incentive payments among jurisdictions as may be required where more than one jurisdiction within the state, or where more than one state, is involved in the enforcement of collection.
- .8 To make available a list of laboratories within the state which perform legally and medically acceptable tests, including blood tests, which tend to identify the father or exclude the alleged father from paternity.

(See Appendix 1.)

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(Pursuant to Government Code Section 11380.1)

11-605 PLAN OF COOPERATION (DISTRICT ATTORNEY)

11-605

The responsibilities of the District Attorneys are also contained in the Plan of Cooperation. A model plan which is generally followed is found in Appendix II of this chapter. Modifications may be made in individual county plans to deal with specific county situations and procedures.

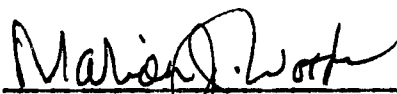
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(Pursuant to Government Code Section 11380.1)

Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this regulation because there are savings as well as costs in this regulation which, in the aggregate, do not result in significant cost changes.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: December 9, 1977

By: *Malcolm Wood*

Director

(Title)

FILED

In the office of the Secretary of State
 of the State of California

DEC 13 1977

At 8:26 o'clock *a* M.

MARCH FONG EU, Secretary of State

By: *Maryalice R. Kershberger*
 Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on February 1, 1978 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend: Section 25-250

Reference: These regulations implement, interpret and make specific Welfare and Institutions Code Sections 10600, 10601, 10602.1 and 10604."

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(Pursuant to Government Code Section 11380.1)

25-250 AUDIT PROCEDURES

25-250

.1 DBP Office Audit of Claims

All claims submitted to DBP will be audited. The audit shall include verification of state, federal, and county participation, allocations, and computations. The audit may include conformance with regulatory requirements. The audit will be accomplished prior to certification of claims to the State Controller for payment or for credit against a previous advance.

When a claim is corrected or disallowed in part or in total as a result of a DBP audit, the county will be notified in writing by DBP after the correction or disallowance is made. The letter shall specify the reason for the adjustment and shall include copies of amended claim summary documents. If the county does not concur with the adjustment, it may appeal in accordance with .3 below.

.2 State Field Audit

All relevant claims, accounts, and documents are subject to periodic post audit by representatives of the State. An audit exception may be recorded and a claim cut made when failure to comply with a regulation exists, a substantive and identifiable wrong results from such noncompliance and a specific amount of money can be related to the action.

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(Pursuant to Government Code Section 11380.1)

25-250 AUDIT PROCEDURES (Continued)25-250.2 State Field Audit (Continued)

.21 Thirty days prior to the start of a State audit the County will be notified of:

.211 The period of time to be audited.

.212 The probable scope of the audit.

.213 The documents which should be made available. Further documentation may be requested as the audit proceeds.

.214 The names of the auditors and the tentative beginning and ending dates of the audit.

.22 An exit interview will be held in all audits. Counties will be provided with a copy of the draft audit at least 14 days prior to an exit interview. The exceptions developed by the auditors will be discussed at the exit interview which will be attended by county representatives of DBP. Audit staff may modify the audit in response to the exit interview, however, the final audit must be published within 60 days after the exit interview.

.3 DBP Appeal Procedures

.31 Where a county does not concur with a claim adjustment letter or any exception in a published audit, a protest may be filed with DBP within 60 days of receipt of the published audit or adjustment letter. The protest must be accomplished with full supporting documentation. DBP may request additional documentation or information.

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25-250 AUDIT PROCEDURES (Continued)25-250

- .32 Within 60 days of receipt of the final documentation or information DBP shall issue a decision letter clearing, modifying or sustaining the adjustment letter or audit exception. If the county does not concur with the decision, it may appeal in accordance with .33 below.
- .33 If the county does not concur with the decision letter, a written appeal may be filled with the Chief Deputy Director. DBP will acknowledge promptly such an appeal.
- .331 The appeal must be filed within 30 days of receipt of the decision letter.
- .332 The appeal must be written and include the specific adjustments or exceptions objected to.
- .333 Within 30 days of receipt of an appeal DBP will provide the county with a list of documents which make up the record upon which the appeal will be decided.
- .334 The county may add or delete documents and provide any additional arguments or material for inclusion in the record within 30 days of the receipt of the list of documents.
- .335 The county may request a hearing before the Chief Deputy Director to discuss the matter. If no such request is made the matter will be decided based on the record and the county notified of the final decision within 30 days of receipt of the final documentation, arguments, and materials.

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(Pursuant to Government Code Section 11380.1)

25-250

AUDIT PROCEDURES (Continued)

25-250

.336 Where a hearing has been requested, DBP will notify the county of the time and place of hearing as soon as possible. Representatives of the county and state will attend the hearing and present information.

.34 The Chief Deputy Director will render a written decision based on the record and information presented at the hearing.

.35 Any time limit imposed by this section may be modified by DBP upon a showing of good cause.

.4 Federal Audit

Fiscal representatives of the DHEW visit each county from time to time to audit records and accounts in support of aid or administration claims for which there is participation of federal funds.

Exceptions developed by fiscal representatives of the DHEW are written in formal schedules and are transmitted by that agency to the DBP. Copies of such schedules as are applicable to the individual county are transmitted it to/by the Financial Planning Bureau, DBP. The transmittal letter will indicate the date by which protest material must be submitted by the county, if a protest is made. Any protest shall be filed with the Financial Planning Bureau and shall be accompanied by full supporting data. (See Section 25-250.5)

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(Pursuant to Government Code Section 11380.1)

25-250 AUDIT PROCEDURES (Continued)25-250

The DBP will take action with the DHEW to clear, concur in, modify, or appeal the exception. If cleared, no further action is necessary. If concurred in or modified, the necessary adjustment is made by the DBP on a current county claim. If the DBP files an appeal with the DHEW, no immediate action is taken to adjust on a current claim. Later, if the appeal is granted, the result will be the same as a clearance with no further action necessary. If the appeal is denied, adjustment will be made by the DBP on a current county claim.

UNDER NO CIRCUMSTANCES IS THE COUNTY TO ADJUST EXCEPTIONS CONTAINED IN THE AUDIT REPORTS UNLESS NOTIFIED BY DBP.

.5 Supporting Data For Audit Issues

Full supporting data to clarify or disprove an audit issue consists of, but, is not limited to, the following: copies of pertinent letters, records, and/or additional documents, schedules, and referenced manual sections.

There may be times when presented material or data will not fully justify clearance of audit exceptions but will raise question as to the full validity of the exception. In these instances, counties will be notified that although protest material was not sufficient to clear the audit exception, a reclaim may be made when the county obtains additional supporting data.

The reclaim and supporting data will be subject to subsequent audit verification.

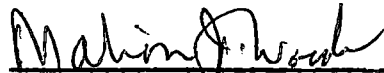
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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

There are no increased costs in these regulations to any unit of local government.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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(Pursuant to Government Code Section 11380.1)

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DEC 19 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

Dated: December 15, 1977
 (Agency)

By: *Malvin J. [Signature]*

Director

(Title)

FILED

In the office of the Secretary of State
 of the State of California

DEC 19 1977

At 9:26 o'clock *AM*

MARCH FONG EU, Secretary of State

By *Mei-pue K. [Signature]*
 Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on February 1, 1978 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 25-455

Reference: This regulation implements Chapter 1216 of the Statutes of 1973 which repealed former Welfare and Institutions Code Section 12205.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

25-455 REPAYMENT FROM ESTATE OF DEBTOR

25-455

The county may make routine checks of probate records either to determine if an overpayment was made or to determine if a known overpayment is collectible if, in the opinion of the county, such a procedure is cost beneficial.

Repayment may be demanded, within the provisions of the Probate Code, from any and all real and/or personal property of the estate of a debtor. The rights of the county concerning real property shall be subordinated to those of a surviving spouse or minor child who is a recipient of aid, if the surviving spouse or guardian of the child executes an agreement not to transfer or encumber such property without the consent of the county.

.1 (Has been deleted.)

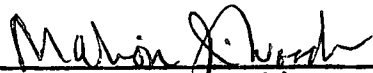
DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no costs to any unit of local government mandated in these regulations.

Approved:


MARION J. WOODS, Director
Department of Benefit Payments

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING
DEC 19 1977
Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
DEC 19 1977
Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments
(Agency)
Dated: December 15, 1977
By: *Mahin J. Wond*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California
DEC 19 1977
At 9:26 o'clock P.M.
MARCH FONG EU, Secretary of State
By: *Meipie R. Kershberger*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on March 1, 1978 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 41-430.11

These regulations implement, interpret, and make specific Welfare and Institutions Code § 11250.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-430 PHYSICAL OR MENTAL INCAPACITY OF A PARENT

41-430

AFDC | .1 Deprivation Due to Incapacity

Deprivation due to physical or mental incapacity of a parent shall be deemed to exist when the parent of an otherwise eligible child has a physical or mental illness, defect, or impairment that reduces substantially, or eliminates the parent's ability to support or care for the child for a period which is expected to last at least 30 days (this is not intended to be a waiting period) and which is supported by acceptable evidence as specified in .2 below. Where the incapacity is initially expected to last less than 30 days but in fact lasts longer, payment shall be granted retroactively effective the correct beginning date of aid (see Sections 44-317.12 and 44-317.8).

Deprivation exists if the incapacity:

- .11 Prevents the parent from working full time at a job in which he or she has customarily engaged; and from working full time on another job for which he or she is equipped by education, training or experience, or which can be learned by on-the-job training; or
- .12 Is the reason employers refuse to employ him or her for work the parent could do. This includes behavioral disorders which interfere with the securing and maintaining of employment; or
- .13 Prevents him or her from accomplishing as much on a job as a regular employee and is the reason the parent is paid on a reduced basis even though working full time; or
- .14 Qualifies the parent and he or she is employed in a job which is rehabilitative, therapeutic or in a sheltered workshop not considered to be a full-time job; or
- .15 Reduces substantially or eliminates the parent's ability to care for the child.

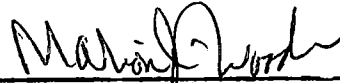
DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

This regulation will result in no cost to any unit of local government.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

DO NOT WRITE IN THIS SPACE

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 19 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING

Gov. Code 11380.2)

DEC 19 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: December 15, 1977

By: *Malcolm J. Lund*

Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

DEC 19 1977

At 9:26 o'clock A.M.

MARCH FONG EU, Secretary of State

By: *Margie R. Kishberger*

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on March 1, 1978 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 46-326

REFERENCE: Welfare and Institutions Code Sections 12201 and 12303.7.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-326 ALLOWANCE FOR RESTAURANT MEALS

46-326

An aged or disabled recipient or couple, both of whom are aged or disabled, whose living arrangement prevents the preparation of meals shall be entitled to an allowance of \$33.00 for an individual or \$66.00 for a couple in addition to any other payments for which they are eligible.

Living arrangements include the recipient's immediate living quarters as well as other areas in the building in which the recipient's living quarters are located or areas adjacent to these living quarters to which the recipient has access for use of the cooking and storage facilities. Cooking and storage facilities are considered accessible if the recipient or someone preparing meals on behalf of the recipient is allowed to use facilities within the living arrangement whether owned by the recipient or by another, to prepare any of the recipient's meals. Cooking and storage facilities are not required to be part of the immediate living quarters in order to be considered accessible.

There is another program under which an aged or disabled recipient may qualify for an equivalent meal allowance even when the living arrangement does not prevent home meal preparation, if the recipient's disabilities prevent home meal preparation. Application for benefits based on a need due to disability rather than lack of meal preparation facilities should be made to the county welfare department under the In-Home Supportive Services Program. No recipient shall receive benefits under both programs at the same time.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-326 ALLOWANCE FOR RESTAURANT MEALS (Continued)

46-326

.3 Eligibility Requirements

An aged or disabled recipient of SSI/SSP or a recipient couple, both of whom are aged or disabled, can qualify for the Restaurant Meal Allowance by meeting the following requirements:

- .31 Meals and adequate cooking and storage facilities are not provided as part of the living arrangement. This requirement is not met when:

.311 The recipient's ^{immediate} / living quarters have adequate cooking and storage facilities in which the recipient or another person who undertakes the responsibility of preparing meals on behalf of the recipient can prepare meals for the recipient on a daily basis.

.312 The recipient has access to adequate cooking and storage facilities as part of his/her arrangement (but which are outside of his/her immediate living quarters) for the purpose of preparing ^{of} any/his/her meals or having them prepared on his/her behalf on a daily basis.
The recipient has access to adequate cooking and storage facilities as part of his/her living arrangement when:

- a. The recipient lives in a boarding house with a communal kitchen with adequate cooking and storage facilities to which he/she has access for preparation of his/her meals.
- b. The recipient lives with friends or relatives in private living quarters in the same house or in separate living quarters such as "over the garage" or in similar situations and has access to the cooking and storage facilities in the main residence for preparation of any ^{of} his/her meals.

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

46-326

ALLOWANCE FOR RESTAURANT MEALS (Continued)

46-326

.313 The recipient lives in a room and board living arrangement in which the recipient contracts with the facility to have meals prepared and provided as a part of the room and board living arrangement.

This regulation is intended to encompass conventional room and board situations in which the recipient purchases all of his/her meals through the facility on a periodic basis (generally monthly), rather than on a per meal basis. This regulation would apply whether or not the agreement between the recipient and the facility is separate from the agreement for rental of private living quarters. The regulation is also applicable where the facility contracts with a food preparation service which is separate from the facility to provide the meals.

.32 Cooking and/or storage facilities are inadequate for the preparation of the recipient's meals in the living arrangement. For purposes of determining whether cooking and storage facilities are adequate, the following items are to be considered to be basic requirements of adequate cooking and storage facilities:

.321 An icebox or refrigerator to which the recipient has access. Capacity of the refrigerator or icebox is not a factor of consideration. An ice chest is not considered adequate storage.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-326ALLOWANCE FOR RESTAURANT MEALS (Continued)46-326.322 Adequate Cooking Facilities

- a. A stove without a working oven but which has at least two working burners, or
- b. A hot plate with at least two burners with separate temperature controls, or two one-burner hot plates with temperature controls, or
- c. A stove with a working oven or a functioning micro-wave oven in combination with at least one working burner on a stove or a one-burner hot plate with a temperature control. Hot plates without temperature controls which are used for warming food are not considered adequate cooking facilities.

- .33 Eligibility for the Restaurant Meals Allowance exists even if meals which are not prepared as part of a recipient's living arrangement are brought into the recipient's living arrangement (i.e., "Meals on Wheels" Program) or are able to be obtained at a discount.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-326

ALLOWANCE FOR RESTAURANT MEALS (Continued)

46-326

.5 Determination Of Eligibility

The recipient's statement of fact on the application form shall be acceptable proof of eligibility unless the facts as presented are incomplete, unclear, inconsistent or in conflict with other evidence. If the facts so presented are incomplete, unclear, inconsistent or in conflict with other evidence SSA will so indicate in the comments section on the application form and send the form to the State Department of Benefit Payments which shall be responsible for a final decision on the eligibility of the recipient. In such cases, SSA will not process payment for the Restaurant Meals Allowance before receiving a decision from the state.

.6 Beginning Date Of Allowance

The beginning date of the Restaurant Meals Allowance shall be the first of the month in which the recipient files an application for this allowance with SSA ^{the} provided that recipient is or expects to be without cooking and/or storage facilities for a calendar month.

.7 Redetermination Of Eligibility

The recipient's statement of fact on the application form shall be completed at the time of redetermination of eligibility for SSI/SSP or when a living arrangement change is reported, whichever is earlier.

The recipient has a continuing responsibility to report changes in circumstances which would make him/her ineligible for the Restaurant Meals Allowance.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

No additional costs are mandated by these regulations.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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DEC 19 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

DEC 19 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: December 15, 1977

By: *Malcolm J. Wood*
Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 19 1977

At 9:26 o'clock A.M.

MARCH FONG EU, Secretary of State

By: *Margie R. Hershberger*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on March 1, 1978 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 44-111.434
44-113.1
47-711.334

These regulations implement, interpret and make specific Welfare and Institutions Code § 11450.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

- .434 Educational loans and grants that are not awarded on the basis of the student's need are only exempt from consideration as income to the extent that the proceeds are used to meet educational expenses, such as fees, equipment, special clothing needs, transportation to and from school, child care services necessary for school attendance, etc.

The following are examples of programs that come within this class:

- a. Veterans Educational Assistance Program (G.I. Bill)
- b. OASDI benefits that are conditioned on regular school attendance.

The necessary costs of transportation to and from school shall be allowed based on the same rate per mile as allowed for work-related transportation costs. See Section 44-113.241(d) for work-related transportation expenses.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME

44-113

AFDC .1 Property

Net income from property (including that from property in which a life estate is held), produce or business enterprises is determined by deducting from gross income all normal items of expenses incident to its receipt. Principal payments on encumbrances are not considered a necessary item of expense.

_____ If property is sold, the interest portion of any payment received is income.

AFDC

Interpretation – Net income from property, crops and livestock is computed as follows:

SourceComputation

- a. *Rental of real property including that in which life estate held.*

Deduct from gross rental the following expenses incident to receipt:

1. *Taxes and assessments.*
2. *Interest on encumbrance payments (do not deduct principal payments).*
3. *Insurance*
4. *Utilities*
5. *Upkeep and major repairs.*

If a complete dwelling unit is rented the county after consultation with the recipient (a) deducts the amount actually expended each month for upkeep and repairs; or (b) deducts 15% of the gross monthly rental plus \$4.17 a month.

Note: *The above expenses are prorated on the same periodic basis as the periodic basis on which the rental is received (i.e., annually, quarterly, monthly, etc.). Multiply rental income received weekly by 4-1/3 to get monthly income.*

Note: *Under the ordinary life estate agreement, the life tenant is entitled to the use and/or income from the property and is responsible for the usual costs of ownership such as taxes, insurance, upkeep, etc. However, if the life estate agreement stipulates the remainderman is responsible for certain expenses, such payments do not represent income to the life tenant.*

- b. *Rental of rooms.*

In AFDC net income is 10% of gross.

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AFDC

- c. *Sale of real property under contract of sale, title not passing.*

The interest received is net income (principal payments represent conversion of property from real to personal property). Deduct any interest payments on prior encumbrances in determining net income from interest received from sale of real property under contract of sale.

- d. *Personal property (rental of trucks, equipment, etc.)*

Deduct from gross rental all expense necessary to maintenance, etc.

- e. *Personal property (interest on money, stocks, bonds, etc.)*

All interest received is net income, except interest on savings accounts as provided in W&IC 11009.

- f. *Sale of crops*

Deduct from gross income the following expenses which are incurred:

1. *Taxes and assessments.*
2. *Interest on encumbrance payments (do not deduct principal payments).*
3. *Water cost.*
4. *Necessary repair and minor replacement of buildings and equipment.*
5. *Fertilizer, seed, insecticides, pruning, cultivation and harvesting costs.*
6. *Rental of equipment.*
7. *Wages.*
8. *Losses on crops from the previous period.*
9. *Other necessary expenses.*

Prorate the annual expenses such as taxes, assessments, etc., according to the intervals at which the gross income was received. If other expenses cannot be identified with a particular period, determine the method which assures that the expenses are allocated as closely as possible to the period of crop income, and that on a continuing basis all necessary expenses are deducted from gross income.

- g. *Sale of Livestock*

Proceeds from the sale of the increase of livestock (i.e., that portion which represents a capital gain) is gross income. Deduct expenses incident to raising the livestock (such as feed, pasture rent, prorated personal property tax) in computing net income.

Since such income is usually received at intervals of more than one month, the same principles that apply to determining the periods of expense for the sale of crops, apply to the sale of livestock.

Note: *Proceeds from the sale of an entire holding of livestock are not income but conversion of property.*

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-711 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

47-711

APSB

- .334 Educational loans and grants that are not awarded on the basis of the student's need are only exempt from consideration as income to the extent that the proceeds are used to meet educational expenses, such as fees, equipment, special clothing needs, transportation to and from school, child care services necessary for school attendance, etc.

The following are examples of programs that come within this class:

- a. Veterans Educational Assistance Program (G.I. Bill)
- b. OASDI benefits that are conditioned on regular school attendance.

The necessary costs of transportation to and from school shall be allowed based on the same rate per mile as allowed for work-related transportation costs. See Section 47-713.241(d) for work-related transportation expenses.


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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

This regulation change will not result in any administrative, program or support costs.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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DEC 28 1977

Office of Administrative Hearings

ENFORCED

APPROVED FOR FILING
(Gov. Code 11380.2)

DEC 28 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

December 7, 1977

Dated:

By:

Mahin J. Wood

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 28 1977

At 1:30'clock P.M.

MARCH FONG EU, Secretary of State

By:

Shea Dedeck
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

AMEND: Section 46-430.2

reference; These regulations implement, interpret and make specific Section 12553 of the Welfare and Institutions Code (as amended by Chapter 1206, Statutes of 1977).

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Recent State Legislation (Statutes of 1977, Chapter 1206) was approved by the Governor and filed with the Secretary of State on September 30, 1977. It amends Welfare and Institutions Code Section 12553, effective January 1, 1978.
2. There is insufficient time to implement these regulation as provided by the provisions of the Administrative Procedures Act; and
3. In order to insure that those eligible persons receiving SSP are allowed to receive the provision authorized by law it is necessary to adopt these regulations on an emergency basis.

The attached regulations are adopted on an emergency basis to become effective January 1, 1978 after filing with the Secretary of State.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-430 SPECIAL NEED -- FOOD FOR GUIDE DOGS (Continued)

46-430

.2 Application

The Department shall send application Form SC 1 to blind recipients of benefits under the SSP Programs as identified by the Social Security Administration. Blind SSP recipients who have a guide dog _____ may apply on Form SC 1 for an allowance for dog food of \$30 a month. Application should be made to the State Department of Benefit Payments (SDBP), 744 P Street, Sacramento, CA 95814.

The legislative bill that establishes this increase appropriates the funds necessary to carry out its provisions.

Approved:

MARION J. WOODS, Director
Department of Benefit Payments

DO NOT WRITE IN THIS SPACE

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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DEC 28 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

DEC 28 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: December 20, 1977

By: *Mahesh D. Dandekar*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 28 1977

A 1:39 clock P.M.

WARCH FOR: EU, Secretary of State

By: *Phen Dandekar*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on March 1, 1978 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 63-2262.2
63-2262.11
63-2264.82

These regulations implement, interpret or make specific Welfare and Institutions Code Section 18901.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-2262 NONEXCLUDED INCOME

63-2262

For the purposes of the Food Stamp Program, income will mean the following when received by household members:

2 In-Kind Shelter

The actual value of housing received by a household member from his ^{her} employer as income in-kind, in lieu of or supplemental to his ^{her} income. In no event shall more than \$25 of the actual value be considered income to any one household. No value will be assigned to in-kind housing which has been condemned or declared substandard under Federal, State, or local housing codes.

The value assigned to such housing shall be its rental value as comparable with similar housing in the community. The value will not include the utility payments made on behalf of the household when such payments are identifiable and separate. Such payments shall be included as vendor payments and counted separately as income.

When two or more households occupy the same shelter, the actual value as determined above shall be evenly divided among the households; and that amount or the \$25 maximum, whichever is lower, counted as income for each household.

EXAMPLE

Two households share a house provided free by their common employer. The rental value of the housing is \$80 per month. Evenly divided, each household would be assigned an actual value of \$40. However, as this exceeds the maximum, only \$25 would be counted as income to each household.

EXAMPLE

Two households share a house provided free by their common employer. The rental value of the housing is \$32 per month. Evenly divided, each household would be assigned an actual value of \$16. As this is within the \$25 maximum, \$16 would be the income assigned to each household. This would not be altered even if only one household applied for food stamps.

Housing that an employer rents for an employee from a third party is considered a vendor payment and the total amount paid is income to the household (see Section 63-2262.11 Vendor

Payments). Such vendor payment has no maximum limit.

DO NOT WRITE IN THIS SPACE

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2262 NONEXCLUDED INCOME (Continued)

63-2262

.11 Vendor Payments

Identifiable payments in money, except those for medical costs and Housing and Urban Development (HUD) housing allowances and subsidies, made on behalf of the household by a person other than a member of the household. Such payments may be made by private or governmental sources.

A payment that an employer makes to rent housing for an employee from a third party is considered a vendor payment, and the actual amount paid is income to the employee's household. The actual amount (no maximum limit) is also included as a shelter cost in calculating the household's shelter deduction. However, if the major benefit of such payment accrues to the person or agency making the payment and not to the household, such benefits shall be excluded as in-kind payments (see Section 63-2263.4).

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2264 INCOME DEDUCTIONS (Continued)

63-2264

.82 Shelter costs will include only the following:

.821 Payments made on the shelter occupied by the household, whether such payment is made as rent, mortgage, or other payment leading to the ownership of such shelter, including interest on such payments. This shall include first and last month's rent when paid or expected to be paid during the certification period.

.822 Payments for heating, cooking fuel, electricity, water and sewer, garbage and trash collection fees and the basic service fee for one telephone (including tax on the basic fee), whenever such payments are made separately from shelter payments in .821 above.

.823 Property taxes, state and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings. However, payments for homeowners insurance are generally includable as shelter costs since homeowner insurance packages do not ordinarily "break out" the separate cost component of insuring the structure from the other coverages provided. The only circumstance in which the entire homeowner's premium could not be allowed is when the separate cost of insuring the structure only is clearly identified on the policy, invoice, or other insurance company document. The prudent EW will establish that such separate costs are not clearly identifiable before allowing a deduction for an entire homeowner's insurance premium.

.824 Any of the above costs when paid by vendor payments , including those provided by the employer as in-kind shelter and treated as income to the household. (See Section 63-2262.2, In-Kind Shelter).


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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The regulation changes do not increase costs to local government.

Approved:


MARION J. WOODS, Director
Department of Benefit Payments

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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DEC 28 1977

Office of Administrative Hearings

ENFORCED

APPROVED FOR FILING
 (Gov. Code 11380.2)

DEC 28 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: December 20, 1977

By:

Malcolm F. Wood

Director

(Title)

FILED

In the office of the Secretary of State
 of the State of California

DEC 28 1977

At 1:39 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Philo D. Dutsch*
 Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 18904 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on March 1, 1978 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

REPEAL: Section 63-2229

These changes have been made to implement, interpret, or make specific Welfare and Institutions Code Section 18901.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed on March 1, 1978 after its filing with the Secretary of State:

63-2229 (County Welfare Department Reporting)

There are no increased costs to local government resulting from these regulations.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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DEC 28 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: December 20, 1977

By: *M. J. Work*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 28 1977

At 1:39 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Phen Dudesch*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

AMEND: Section 44-207.2
44-211.2
44-212.1
44-315.422

REFERENCE: These regulations implement, interpret and make specific Section 11450(d)(1) of the Welfare and Institutions Code.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On September 23, 1977, legislation was adopted which increased the maximum amounts payable to meet the recurring special needs of families eligible under the Aid to Families with Dependent Children (AFDC) program.
2. The legislation is effective January 1, 1978.
3. In order to ensure that families who will become eligible to increased assistance as a result of the legislation are allowed to receive the assistance on or after January 1, 1978, it is necessary to adopt regulations on an emergency basis to become effective on January 1, 1978.

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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-207 FINANCIAL ELIGIBILITY

44-207

.2 Definitions

.21 Minimum Basic Standard of Adequate Care

.211 The MBSAC is the amount of money which is necessary to provide an FBU with the following:

- a. Housing.
- b. Clothing.
- c. Food.
- d. Utilities.
- e. Items for household operation, education and incidentals, recreation, personal needs, and insurance.
- f. Essential medical, dental, or other remedial care not otherwise provided at public expense.
- g. (Has been deleted.)

.212 The amount of the MBSAC is as follows:

<u>Size of FBU</u>	<u>Minimum Basic Standard of Adequate Care</u>
1	\$177
2	297
3	361
4	444
5	513
6	578
7	636
8	702
9	769
10	836

plus \$7 for each additional needy person.

.22 Net Nonexempt Income

.221 Net Nonexempt Income is gross income (including current child support payments collected by the county) minus all applicable income exemptions (listed in 44-111) and income deductions (listed in 44-113).

.222 For purposes of determining financial eligibility the earned income exemption (\$30 & 1/3) provided for in 44-111.23 shall be applied only if the person who earned the income was eligible for and received an AFDC payment from any state during at least one of the immediately preceding four months and is currently included in the FBU. A person is considered to have received an AFDC payment when the grant for the FBU is reduced to zero to adjust or offset a prior overpayment. A person is not considered to have received an AFDC payment if the FBU was on other noncash grant status including:

- a. Zero Basic Grants (44-315.422) where no payment is made for recurring special needs.
- b. Refused Cash Grant or other Medi-Cal Only cases under Title 22 of the California Administrative Code.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-211

SPECIAL NEEDS FOR AFDC (Continued)

44-211

AFDC | .2 Recurring Special Needs

A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.

The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified monthly on the CA 7 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need must be resubstantiated at least annually upon redetermination of eligibility and may be required more often considering the type of need and potential for change.

The total allowance which is available for each FBU per month for all recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the FBU.

.21 Therapeutic Diets

.211 Special need for a therapeutic diet shall be authorized when recommended by a physician and therapeutic diets are not limited to those listed below, except that final determination of the need may be based upon consultation with the county medical consultant.

.212 The recipient is entitled to establish actual expenses related to the diet plan if it is to his or her benefit to do so. However, if the recommended diet plan includes one or a combination of the following diets, the county may pay the amount indicated for the highest cost diet without verification of actual costs:

\$15 for the following diets:

Diabetic, 2200 calories or more
High Calorie — High protein (including special formula for infant)
Lactation (while breast feeding)

\$9 for the following diets:

Diabetic, under 2200 calories
Bland
Low Fat — Cholesterol
Low Salt (sodium, under three grams)
Pregnancy

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 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-211

SPECIAL NEEDS FOR AFDC (Continued)

44-211

AFDC.22 Other Recurring Special Needs

A recipient is eligible for a special need allowance for the following recurring special needs when the county verifies that they occur for reasons not common to a majority of recipients and that they are essential for support. Determination of any allowance shall be consistent with the following guidelines and limitations:

.221 The actual cost of special transportation except that the allowance shall not exceed the actual cost of the least expensive mode of transportation (including common carrier) reasonably available to the recipient. The county may compute the costs for a private automobile according to the number of miles traveled at the rate of \$0.12 a mile without further documentation by the recipient. Examples of special transportation needs are where the recipient must journey an unusual distance or travel daily to receive required medical treatments.

.222 The actual cost of special laundry. The county may allow \$3.00 per month without verification of actual cost by the recipient. An example of special laundry needs would be where a recipient is required to change and clean bedding or clothing more than usual because of a medical condition.

AFDC .223 The actual cost of employing someone to do the cooking, washing, ironing, household cleaning, and similar chore services for members of the FBU when the county verifies that the family caretaker is unable to perform any one or more of these functions, and that such duties cannot be performed without charge by persons in the household.

.224 The actual cost of special telephone service or equipment such as the cost of an amplifying device when a member of the household is handicapped by an auditory impairment.

.225 The actual cost of excessive use of utilities when the county verifies that the excessive use is required for a reason not common to a majority of recipients and is essential for their support. Excessive use of utilities means the FBU's share of the actual cost of utilities is in excess of the in-kind income values for utilities for that size FBU. The county may allow \$5.00 per month without verification of actual cost by the recipient.

.23 Where a recurring special need also qualifies as an allowable service-connected expense pursuant to Section 10-305 or Chapter 30-500, the county may authorize any combination of such funds to meet the family's needs so long as there is no duplication in aid payment. When a special need is to be met from a combination of such funds, the allowance must be based on the actual costs and not the guidelines specified above.

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(Pursuant to Government Code Section 11380.1)

44-212 MINIMUM BASIC STANDARDS OF ADEQUATE CARE

44-212

AFDC .1 Definition — The Minimum Basic Standard of Adequate Care is set forth in W&I Code, Section 11452, as the amount which is necessary to provide a Family Budget Unit with the following:

- .11 Housing
- .12 Clothing
- .13 Food
- .14 Utilities
- .15 Items for household operation, education and incidentals, recreation, personal needs, and insurance
- .16 Essential medical, dental, or other remedial care not otherwise provided at public expense
- .17 (Has been deleted.)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.42 Child Living With Parent or Relative (Special Needs) (Continued)

.422 The allowance available for each FBU per month for recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the FBU.

Zero Basic Grant Cases - The actual amount an FBU is to receive for Special needs is reduced by the amount of net nonexempt income above the Maximum Aid Payment (MAP) (see Section 44-315.411).

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

Notwithstanding Section 2231 of the Revenue and Taxation Code, the Legislature has provided that there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this Act.

These regulations implement, interpret and make specific Section 11450(d)(1) of the Welfare and Institutions Code.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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(Pursuant to Government Code Section 11380.1)

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DEC 30 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

DEC 30 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: December 30, 1977

By:

Malcolm J. Wash

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 30 1977

At 11:06 o'clock *A* M.

MARCH FONG EU, Secretary of State

By

Phua Dadech
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

AMEND: Section 63-2314 - Introductory Paragraph
63-2314.1
63-2314.2
63-2315

These regulations implement, interpret and make specific the provisions of Welfare and Institutions Code Section 18901.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On October 18, 1977, the United States District Court for the Eastern District of California issued a court order in the case of Aiken v. Obledo requiring implementation of a Plan for Compliance.
2. The Plan for Compliance prohibits state agencies from requiring a collateral contact before granting certification pending verification and from limiting the number of times a household may be certified pending verification. It is now necessary to fully comply with the court order by implementing the Plan for Compliance.
3. In order to ensure that recipients are delivered benefits promptly in compliance with the court order, it is necessary for these regulations to become effective immediately.
4. Adoption of these regulations is necessary for the immediate preservation of the peace, health and safety or general welfare.

Therefore, the regulations are adopted on an emergency basis to become effective upon filing with the Secretary of State.

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 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-2314 IMMEDIATE NEED PROVISION OF FOOD BENEFIT

63-2314

At the time an application for food stamps is received by the county, the county shall determine whether the household is in immediate need of food assistance. _____

.1 Eligibility Criteria

An applicant shall be considered to be in immediate need and shall be given an immediate need provision of food benefits if it is determined, subsequent to receipt of an application, that:

- .11 It appears that the applicant will probably be eligible when certification is completed; and
- .12 Eligibility will be at the zero purchase level (whether computed under a monthly certification basis or under a semimonthly certification basis); and
- .13 All required verification of income and mandatory deductions is provided
at the time of application, or
the household has no income to verify, or
the household qualifies for certification pending verification pursuant
to Section 63-2315; and
- .14 The requirement of work registration have been met. (Completion of the work registration document satisfies this requirement.)

.2 Frequency of Application

An applicant's eligibility for immediate need food benefits shall be
 determined _____ without regard to the frequency
 with which the applicant has been granted immediate need food benefits in
 the past.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2315 CERTIFICATION PENDING VERIFICATION

63-2315

All households which have income and/or mandatory deductions requiring verification and which cannot provide this verification at the time of application shall be certified for program benefits pending verification provided that:

- .1 The household appears to be eligible; and
- .2 The household reports an income either prior to or after adjustment which places them at the zero purchase level (see Section 63-2332) whether computed on a monthly or semimonthly certification basis.

Certification pending verification shall not exceed one month and there shall be no further issuance to households certified in this manner until full verification is obtained. However, when less than 15 days remain between the date of application and the expiration of the established certification period, and the client is unable to provide the required verification for recertification in order for the county to act timely (see Section 63-2412), the county shall authorize a second certification pending verification as described above. Thereafter, no further benefits shall be issued until the client provides the necessary verification.

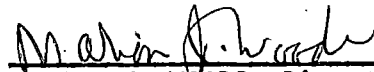
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because the regulations are necessary to comply with a court order.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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